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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16526-16550

[Approved by the Secretary of Agriculture, Washington, D. C., January 29, 1930]

**16526. Misbranding of Nuremedy. U. S. v. 12 Dozen Packages of Nuremedy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23526. I. S. No. 01548. S. No. 1507.)

On March 19, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen packages of Nuremedy, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Central Laboratories (Inc.), from Mount Vernon, Ill., on or about January 3, 1929, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained 1.4 grains of acetphenetidin and 2.42 grains of acetylsalicylic acid per tablet.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Guaranteed to contain no Acetanilid," and in the circular, "Nuremedy contains no Acetanilid," were false and misleading in that the said statements imported and signified to the purchaser that the article contained no ingredient or combination of ingredients with the effect of acetanilide, whereas it contained acetphenetidin, a derivative of acetanilide, which has the same effect as acetanilide. Misbranding was alleged for the further reason that the statements "Does not disturb the stomach" and "Does not Affect The Heart," appearing in the circular, were false and misleading, and for the further reason that the packages failed to bear a plain and legible statement on the label of the quantity of acetphenetidin, a derivative of acetanilide, contained therein, since the declaration was inconspicuous, was partly obscured by overprinting, and did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (carton, front panel) "Recommended for \* \* \* Neuralgia, Rheumatism \* \* \* La Grippe," (carton, back panel) "Neuralgia \* \* \* Rheumatism and Gout \* \* \* La Grippe \* \* \* Fevers and Chills \* \* \* Influenza," (leaflet) "Sore Throat Gargle! Simple Sore Throat, Tonsillitis, relieved by dissolving two Nuremedy in four tablespoonfuls of warm water. Gargle every hour or two allowing a little to trickle down the throat. Do not rinse out mouth. \* \* \* Fever, La Grippe, Chills \* \* \* Backache, Lumbago \* \* \* Directions for use \* \* \* Earache \* \* \* Periodic Pains, \* \* \* Sore Throat Gargle Dissolve 2 Tablets in 4 tablespoonfuls of warm water, gargle every hour or two. Allow a little to trickle down the throat. Do not Rinse Out Mouth! \* \* \* Nuremedy is a scientific combination of valuable ingredients for the speedy relief of \* \* \* Neuralgia, Neuritis, Rheumatism \* \* \* Sciatic Pains \* \* \* Fever, La Grippe \* \* \* when used according to the directions

knocks aches and pains for a row of Ash-Cans! Women's Pains \* \* \* yield promptly to this wonderful remedy. \* \* \* Get Instant Relief! \* \* \* Prevent Pneumonia with its often fatal results. Nuremedy if taken in time (the cold stage) often prevents serious illness \* \* \* Does not disturb the stomach \* \* \* Does not Affect the Heart. With its Quicker action it is of particular value in Headaches of the habitual type, more especially those due to Difficult and Painful Menstruation, nervous condition, hysteria, mental exhaustion from overwork, also eye-strain. \* \* \* For any pain use Gibb's Nuremedy," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16527. Adulteration and misbranding of Albolatum. U. S. v. 11 Dozen Tubes of Albolatum. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23550. I. S. No. 02125. S. No. 1747.)**

On April 1, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen tubes of Albolatum at San Juan, P. R., alleging that the article had been shipped from New York, N. Y., into Porto Rico, on or about December 26, 1928, by A. J. Fajardo, New York, N. Y., and that it was being sold and offered for sale in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of white petrolatum.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, on tube and carton, "An Antiseptic."

Misbranding was alleged for the reason that the following statements, borne on the labels, (tube) "An Antiseptic," (carton) "Antiseptic \* \* \* An Antiseptic \* \* \* Guaranteed \* \* \* under the Food & Drugs Act, June 30, 1906," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labels, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof: (Tube) "Healing Emollient \* \* \* for \* \* \* Wounds \* \* \* Sores \* \* \* Piles, Ulcers, \* \* \* all eruptions and inflamed conditions of the skin \* \* \* Internally for Croup, Coughs, \* \* \* Sore Throat, Diphtheria, etc.;" (carton) "Healing \* \* \* for the External treatment of Flesh Wounds \* \* \* Sores \* \* \* Piles, Ulcers \* \* \* all Eruptions and Inflamed conditions of the skin. \* \* \* internally for Croup, Coughs, \* \* \* Sore Throat, Diphtheria, etc."

On May 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16528. Misbranding of Creosotono. U. S. v. 2 Dozen Bottles of Creosotono. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23546. I. S. No. 02126. S. No. 1746.)**

On March 23, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-



demnation of 2 dozen bottles of Creosotono at San Juan, P. R., alleging that the article had been shipped by G. J. Fajardo, New York, N. Y., on or about March 20, 1927, from the State of New York into Porto Rico, and that it was being offered for sale and sold in Porto Rico by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, quinine, strychnine, and phosphates.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the labeling, regarding the curative and therapeutic effects of the said article were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Translation of Spanish on bottle label) "For \* \* \* Tuberculosis \* \* \* All Kinds of Catarrhs of the Respiratory Organs \* \* \* A Reconstituent in Convalescence after Fevers and Inflammatory Conditions of the Respiratory Organs."

On May 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16529. Adulteration and misbranding of Casco cascara bromide quinine laxative tablets. U. S. v. 26 Dozen Packages of Casco Cascara Bromide Quinine Laxative Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23399. I. S. No. 01549. S. No. 1520.)**

On February 15, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 dozen packages of Casco cascara bromide quinine laxative tablets, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Casco Co., from Canton, Ohio, in part on or about January 4, 1929, and in part on or about January 9, 1929, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of acetanilide (0.28 grain per tablet), phenolphthalein, quinine, extracts of plant drugs including a laxative drug, a trace of bromide, and starch.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the standard under which it was sold, namely, (carton) "Each Tablet Contains  $\frac{1}{2}$ -grain Acetanilid."

Misbranding was alleged for the reason that the statement on the package, "Each Tablet Contains  $\frac{1}{2}$ -grain Acetanilid," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilide contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (carton) "Relieves \* \* \* La Grippe within 24 hours \* \* \* These tablets work directly on the liver," (display carton) "Will Relieve \* \* \* La Grippe within 24 Hours," (circular) "Two tablets every three or four hours \* \* \* until \* \* \* the cough is relieved \* \* \* then one tablet three times a day until cured. \* \* \* Neglected colds lead to pneumonia and pneumonia is not to be trifled with. Take no chances on ruining your heart action in order to cure your cold. \* \* \* Casco The Harmless Remedy," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16530. Misbranding of Fisher's Indian remedy. U. S. v. 2 Dozen Cans of Fisher's Indian Remedy. Default decree of destruction entered. (F. & D. No. 23460. I. S. No. 0523. S. No. 1639.)**

On February 27, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen cans of Fisher's Indian remedy, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Indian Remedy Co., from Los Angeles, Calif., on or about August 27, 1928, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of laxative plant drugs including aloe, salicylic acid, and volatile oils including oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements, (tin container and circular) "Made of Pure Roots and Herbs," (circular) "Combination of Nature's Remedies and Laxative Herbs in Tablet Form," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the tin container and in the accompanying circular, were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Tin container) "Indicated as an eliminant and laxative in treatment of Constipation, Stomach Troubles \* \* \* Kidney and Liver Complaints, Rheumatism, LaGrippe, Coughs, \* \* \* Influenza, Malaria, Chills and Fever, Catarrh, Asthma, Hay Fever, Pimples, Boils, and Diseases that arise from \* \* \* Clogged Kidneys;" (circular) "Good Health. You don't know what pleasure is unless you have Health—Strength—Vitality. When your blood riots through your veins; when every nerve tingles with the ecstasy of life; when the world seems a mightily pleasant place after all; when the air you breathe is like wine; when no cloud is big enough to mar the horizon; and the worst misfortune seems to you but an obstacle to climb over—Then You Have Health \* \* \* If You Don't Feel Well Use Fisher's Indian Remedy. \* \* \* Fisher's Indian Remedy is a Wonderful Family Medicine. It is made of pure roots and herbs which are indicated as a Laxative Cathartic and Eliminant in the Treatment of Kidney Diseases, Constipation, Stomach Troubles, \* \* \* Liver Complaints, Rheumatism, La Grippe, Uric Acid Troubles, Neuralgia, Malaria, Pains in the Back, Usually Caused from Constipation or Kidney Troubles, \* \* \* Influenza, Chills and Fevers, Catarrh, Asthma, Hay Fever, Pimples, Impure Blood and Diseases which arise from Constipated Bowels or Clogged Kidneys. \* \* \* For Indigestion or Stomach Troubles take one tablet after each meal. \* \* \* For Kidney Diseases, Liver Complaints and Rheumatism, take one tablet in the morning and one at night before going to bed. For \* \* \* Coughs, Malaria, Chills, Fevers, Influenza, and LaGrippe, take two tablets three times a day before meals until relieved. For Hay Fever, Catarrh and Asthma \* \* \* For all other ailments the treatment is one or more tablets at night before going to bed. \* \* \* Rheumatism, Kidney Diseases, Stomach Troubles. A combination of nature's remedies and laxative herbs in tablet form \* \* \* Treatment of Diseases of the Kidneys, Liver, Stomach and Bowels."

On May 25, 1929, no claimant having appeared for the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16531. Adulteration and misbranding of Dr. Hollie's reducing crackers. U. S. v. 12 Dozen Cartons of Dr. Hollie's Reducing Crackers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23639. I. S. No. 07106. S. No. 1840.)**

On April 23, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen cartons of Dr. Hollie's reducing crackers, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Cubbison Cracker Co. (Inc.), from Los Angeles, Calif., on or about March 20, 1929, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended.



Analysis of a sample of the article by this department showed that it was a brown wheat cracker containing senna and mineral oil.

It was alleged in the libel that the article, considered as a food, was adulterated in that mineral oil and senna had been substituted in part for the said article, and in that it contained an added deleterious ingredient, senna, which might have rendered it injurious to health.

Misbranding of the article, considered as a food, was alleged for the reason that the statement "Crackers," borne on the label, was false and misleading when applied to an article containing senna and mineral oil, and in that the article was offered for sale under the distinctive name of another article. Misbranding of the article, considered as a drug, was alleged for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, (carton) "Reducing With Food Why Not? Food is what we are built of, and it will either build or reduce weight. People who are carrying excess weight are not necessarily sick. In fact, most of them are very healthy and happy. But if one has to run for a street car sometimes, or your dancing partner can't reach his arm around your precious anatomy, and right there and then you decide you want to reduce. Here are A Few Rules. Eat less candy and things made with white sugar; drink more water and less coffee and tea; eat more greens and less meat and butter; take a good hot salt bath every night, as follows: Put half pound epsom salts and half pound plain salt in bath tub; fill the tub with about five inches of hot water, then cover the tub with a blanket to keep in steam, then while in the tub (keep the heat out and cool) turn on a small stream of hot water until tub is filled, stay in and perspire for fifteen or twenty minutes. Drink lot of water before entering the tub. Take two or three of Dr. Hollie's reducing Crackers with every meal; they are made of greens, like spinach, endive, etc., herbs, like dandelion, licorice, etc., and mineral oil for shortening. They are safe for anyone, and not only reduce, but build up the general condition of health and beauty. Theo. Hollie Company of Los Angeles," (circular) "Dr. Hollie's Reducing Wafers Goodbye Fat! Dr. Hollie's Reducing Wafer will do it. Take two or three of Dr. Hollie's Reducing Wafers with every meal. They will not only reduce, but help build up the general condition of health and beauty," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein. Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading: (Carton) "Dr. Hollie's Reducing Crackers \* \* \* are made of greens, like spinach, endive, etc., herbs, like dandelion, licorice, etc."

On June 4, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16532. Misbranding of Bromalina. U. S. v. 30 Bottles of Bromalina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23686. I. S. No. 02139. S. No. 1914.)**

On May 10, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 bottles of Bromalina at Ponce, P. R., alleging that the article was in possession of Moscoso Hno. & Co., S en C, Ponce, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, bromoform, methyl salicylate, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, (bottle label, translated from Spanish) "Indications: Catarrhs, Coughs, Bronchial Affections, Grippe, Etc.," (carton label, one panel in English and 3 panels in Spanish) "In diseases of the Respiratory tract, Bronchitis, Catarrhs, Chronic Coughs, Hoarseness, etc. \* \* \* [Translation] \* \* \* for diseases of the respiratory tract, bronchitis, catarrhs,

obstinate coughs, grippe, hoarseness, etc. \* \* \* Bromalina is indicated for bronchopulmonary diseases." (circular, translated from Spanish) "Bromalina against Cough and Catarrhs, \* \* \* used for many years in Coughs of catarrhal origin with splendid results, should be taken from the first moment in which the catarrhal symptoms appear. \* \* \* which make its effects to be beneficial if its use is continued. Bromalina \* \* \* a remedy for catarrhal affections and for diseases in which an antiseptic expectorant is indicated. \* \* \* Bromalina should be taken from the start of any acute or chronic catarrh," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16533. Adulteration and misbranding of tablets Bacillus bulgaricus. U. S. v. 23 Packages of Tablets Bacillus Bulgaricus. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23087. I. S. No. 0106. S. No. 1179.)**

On September 19, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 packages of tablets Bacillus bulgaricus, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Fairchild Bros. & Foster, from New York, N. Y., on or about August 7, 1928, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

Examination of a sample of the article by this department showed that the tablets contained very few viable lactobacilli and were contaminated with foreign microorganisms.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Tablet of the Bacillus Bulgaricus, \* \* \* Contains the true Bacillus Bulgaricus \* \* \* preserved in a stable potent form."

Misbranding was alleged for the reason that the statements on the carton containing the article, "Tablet of the Bacillus Bulgaricus, \* \* \* Contains the true Bacillus Bulgaricus \* \* \* preserved in a stable potent form," and in the accompanying circular, "Tablet of the Bacillus Bulgaricus. Contains the true Bacillus Bulgaricus \* \* \* conserved in a stable form, \* \* \* It is rigidly standardized, potency guaranteed for the time stamped upon the label," were false and misleading.

On June 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16534. Misbranding of Hyland's 14 for colds and grippe. U. S. v. 31 Bottles of Hyland's 14 for Colds and Grippe. Default decree of destruction entered. (F. & D. No. 23436. I. S. No. 0526. S. No. 1642.)**

On February 26, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 bottles of Hyland's 14 for colds and grippe, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Standard Homeopathic Co., from Los Angeles, Calif., on or about February 27, 1926, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of milk sugar, traces of potassium iodide, and extracts of vegetable drugs including gelsemium.



It was alleged in the libel that the article was misbranded in that the following statements, borne on the bottle and carton labels and in the accompanying circular, regarding the therapeutic and curative effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For \* \* \* Grippe, Influenza, Fever \* \* \* 3 tablets every 15 minutes for 4 doses; then every hour until relieved. Children, 2 tablets given as above. Young Children and Infants, 1 tablet every half hour for 4 doses, then every hour until relieved;" (carton) "For \* \* \* Influenza Grippe;" (circular) "Grippe Hyland's No. 14 is \* \* \* the most effective remedy \* \* \* to relieve \* \* \* Grippe and Influenza. \* \* \* Everyone should have Hyland's No. 14 for emergency use. Remember—A neglected cold today may develop tomorrow into pneumonia or other serious complications."

On May 25, 1929, no claimant having appeared for the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the article be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16535. Misbranding of EfeDron Hart nasal jelly. U. S. v. 24 Dozen Packages of EfeDron Hart Nasal Jelly. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23533. I. S. No. 01547. S. No. 1503.)

On March 18, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 dozen packages of EfeDron Hart nasal jelly, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Hart Drug Corporation, Miami, Fla., on or about January 14, 1929, and transported from the State of Florida into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a mucilaginous mass containing ephedrine hydrochloride, chlorobutanol, phenol, sodium chloride, and water flavored with oil of cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the said article, "Is entirely harmless when used in the nose," and "May be used repeatedly without any harmful effects whatsoever," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the carton and in the accompanying circular, (carton) "Hay Fever, Catarrh, Influenza and Sinus Infections. \* \* \* Rapidly opens the air passages of the nose \* \* \* to keep the nasal passage open," (circular) "EfeDron Nasal Jelly \* \* \* Treatment for Affections of the Nose \* \* \* antiseptics \* \* \* It is indicated also in any condition in which the breathing space in the nose is obstructed. \* \* \* antiseptic qualities \* \* \* quickly \* \* \* reestablish normal breathing space in the nose \* \* \* allowing free \* \* \* drainage of all the nasal passages. \* \* \* in acute inflammations \* \* \* in the more chronic conditions \* \* \* all inflammations of the nose, either acute or chronic, in sinus infections, hay fever and as an aid in the prevention and treatment of influenza \* \* \* opening the breathing spaces, and allowing free \* \* \* drainage \* \* \* shorten the duration of the infection \* \* \* lessen the accumulations in the back of the nose and throat. \* \* \* Nasopharyngitis—So-called Catarrh: Chronic inflammation of the nasal mucosa. If used before an atrophic rhinitis has developed, EfeDron (Hart) will give marked relief. \* \* \* the relief accorded in these conditions is usually remarkable and lasting. Sinus Infections: EfeDron (Hart), as before stated, establishes through \* \* \* drainage of the nasal passages \* \* \* by shrinking the mucous membranes it promotes drainage of the sinuses. Hay fever: the action of EfeDron (Hart) in hay fever is nothing short of marvelous. Usually within a space of three minutes' time, the burning discharge from the nose is stopped, the normal breathing space is re-established and the lachrymal secretions are normal. EfeDron (Hart) does not cure hay fever, but does give almost instantaneous and complete relief from all the distressing nasal and eye symptoms. The symptoms of hay fever can be controlled by the repeated use of this preparation. Influenza: When associated, as it usually is, with an infection and inflammation of the upper respiratory tract, EfeDron (Hart) when used as directed is very



helpful, giving almost immediate relief from the nasal symptoms and helping to eliminate this source of infection. EfeDron (Hart) is valuable in the treatment of nasal infections in children and infants. \* \* \* It will quickly stop the 'snuffling' and irritating nasal discharges. It will re-establish normal breathing space in nursing infants, permitting easy nursing and restful sleep. It is useful in preventing middle ear complications. \* \* \* Post-operative swelling in the nose is reduced to a minimum by its use. \* \* \* drainage are easily maintained, allowing the patient a comfortable convalescence. EfeDron (Hart) not only shrinks the mucosa, but is a mild \* \* \* antiseptic \* \* \* In over five hundred clinical tests conducted by competent physicians, we have found that the amount of ephedrine hydrochloride in our water soluble base produces maximal ephedrine action locally with no systemic reactions," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16536. Misbranding of Yago One Day cold tablets. U. S. v. 99 Cartons of Yago One Day Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23549. I. S. No. 07. S. No. 1690.)**

On March 21, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 99 cartons of Yago One Day cold tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by L. J. Barnett Co., from Des Moines, Iowa, on or about August 23, 1928, and transported from the State of Iowa into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilide, a quinine compound, resins, aloin, extracts of plant drugs including a laxative drug, and traces of mydriatic and ipecac alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent: (Carton) "For \* \* \* LaGrippe;" (circular) "For \* \* \* Attack of LaGrippe \* \* \* Für \* \* \* einem Anfall von LaGrippe," and similar statements in other foreign languages.

On June 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16537. Misbranding of Palatol. U. S. v. 12 Dozen Bottles of Palatol. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23489. I. S. No. 02123. S. No. 1696.)**

On or about March 8, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen bottles of Palatol at San Juan, P. R., alleging that the article had been shipped by Parke, Davis & Co., New York, N. Y., on or about February 9, 1929, from the State of New York into Porto Rico, and that it was being sold and offered for sale in Porto Rico by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cod-liver oil, malt, wild cherry, phosphates, cholesterol, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the labeling regarding the curative and therapeutic effects of

the said article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Translated from Spanish) "Palatol is useful in the treatment of Asthma, Bronchitis, \* \* \* Coughs, and all Catarrhal Affections of the Respiratory Organs. \* \* \* also \* \* \* in \* \* \* Nervous Affections, Anemia, General Debility, Scrofula, \* \* \* Enlarged Glands, Loss of \* \* \* Weight, Malaria, and Impaired Vitality."

On April 30, 1929, Parke, Davis & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or otherwise disposed of until properly relabeled as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16538. Misbranding of Forkola Jell. U. S. v. 42 Jars of Forkola Jell. Default decree of condemnation and destruction. (F. & D. No. 23544. I. S. No. 02783. S. No. 1750.)**

On March 21, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 jars of Forkola Jell at Pittsburgh, Pa., alleging that the article had been shipped by the Bacorn Co., from Elmira, N. Y., on or about November 23, 1928, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an ointment consisting essentially of a petrolatum base containing benzoin and volatile oils including peppermint and eucalyptus oils, camphor, menthol, turpentine oil, and methyl salicylate.

The article was labeled in part: (Jar label) "Relieving Allaying \* \* \* Abating \* \* \* Congestion and Inflammation \* \* \* For Spasmodic Croup \* \* \* Nasal Catarrh, Bronchitis, Sore Throat, Coughs, Whooping Cough, Tonsillitis, Asthma, etc., spread \* \* \* 'Vaporizing Forkola Jell' \* \* \* Incipient Pneumonia \* \* \* Then rub Forkola Jell in well and spread on \* \* \* Leave covering loose around neck so that vapors arising may be freely inhaled. Continue \* \* \* until fever is reduced \* \* \* For: Bites, Boils \* \* \* Eczema, Itchings, Neuralgia, Pains, Itching Piles, \* \* \* Muscular Rheumatism, Salt Rheum."

It was alleged in the libel that the article was misbranded in that the statements contained on the jar label were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 7, 1929, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16539. Misbranding of Over Night cold tablets. U. S. v. 6 Dozen Packages of Over Night Cold Tablets. Default decree of condemnation and destruction. (F. & D. No. 23478. I. S. No. 02777. S. No. 1657.)**

On February 28, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen packages of Over Night cold tablets at Pittsburgh, Pa., alleging that the article had been shipped by the Dow Drug Co., from Cincinnati, Ohio, on or about November 13, 1928, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, caffeine, a quinine compound, sodium bicarbonate, and an extract of a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the statement, "For LaGrippe \* \* \* Until Relieved," borne on the carton label, regarding the curative and therapeutic effects of the said article was false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.



On June 7, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16540. Adulteration and misbranding of Fenholloway Sulphur Springs water. U. S. v. 3½ Cases of Fenholloway Sulphur Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23067. I. S. No. 02210. S. No. 1161.)**

On September 13, 1928, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3½ cases of Fenholloway Sulphur Springs water, remaining in the original unbroken packages at Thomasville, Ga., alleging that the article had been shipped by A. E. Jackson, from Fenholloway, Fla., August 7, 1928, and transported from the State of Florida into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Original Fenholloway Sulphur Springs Water, the Greatest Health Restorer of the Twentieth Century 12 Oz. Net Bottled by A. E. Jackson, Fenholloway, Fla."

It was alleged in the libel that the article was adulterated under section 7 of the act, paragraph 6, under food, in that it consisted in part of a filthy animal and vegetable substance.

It was further alleged that the said article was misbranded under section 8 of the act, paragraph 3, as amended under drugs, in that the statement on the label, "The Greatest Health Restorer of the Twentieth Century," regarding the curative and therapeutic effects of the article was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Further misbranding of the article under section 8 of the act, paragraph 3, as amended under food, was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package and was not expressed in terms of liquid measure.

On April 4, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16541. Misbranding of Fildrysine. U. S. v. 30 Bottles of Fildrysine. Default decree of condemnation, forfeiture, and destruction. F. & D. N. 23158. I. S. No. 02104. S. No. 1226.)**

On or about October 25, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 bottles of Fildrysine at San Juan, P. R., alleging that the article was being offered for sale and sold in Porto Rico, by Serra, Garabis & Co., San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, potassium, arsenic, mercury, and berberin compounds, iodides, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the carton and bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Recommend for such states of the blood and skin which require the use of a depurative," (circular) "Cure yourself, \* \* \* Our Lady of Lourdes, Fountain of Health, Hundreds of faithful people annually visit in search of health, the Miraculous Fountains of Lourdes. You do not need to make such an expensive trip; have faith in the medicines prescribed in this pamphlet and you will enjoy good health. Faith is what saves \* \* \* Out with the bad humors with the use of this prodigious and new depurative, the most powerful blood purifier \* \* \* Its use is indicated in all the diseases which are due to bad humors or viciated blood, either recent or chronic, hereditary or by contagion. Therefore, it combats with efficacy Filariosis (chronic inflammation of the legs) Syphilis (chancres, chancroids, cutaneous eruptions and other

affections of the cells and organs derived from them) Erysipelas, Glandular Infarcts (Adenitis) Chronic Ulcers, Grains, Blemishes, Herpes, Eczema, Groins, Pimples, Rheumatism, Gout, Inflammation of the Joints, Buboos, etc. \* \* \* In the treatment of Syphilis, after a series of Antisyphilitic injections such as Salvarsan (606) or Neo-Salvarsan (914), nothing will complete more efficaciously its radical cure than a series of six bottles of Fildrysine, this prodigious depurative."

On December 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16542. Adulteration and misbranding of pure living cultures of Bulgarian bacillus. U. S. v. 10 Packages of Pure Living Cultures Bulgarian Bacillus. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23088. I. S. No. 01645. S. No. 1178.)

On September 22, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 packages of living cultures of Bulgarian bacillus remaining in the original and unbroken packages at Evansville, Ind., alleging that the article had been shipped by H. K. Mulford & Co., from Chicago, Ill., on or about July 18, 1928, and transported from the State of Illinois into the State of Indiana and charging adulteration and misbranding in violation of the food and drugs act.

Examination of a sample of the article by this department showed that it contained no *Bacillus bulgaricus*.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "Pure living cultures Bulgarian Bacillus \* \* \* each cc contains approximately 50 million *B. bulgaricus* at time of sale."

Misbranding was alleged for the reason that the statements on the label of the container and on the wrapper and circular, namely, (container) "Pure Living Cultures Bulgarian Bacillus. (Bulgarian Lactic Acid Bacillus)," (wrapper) "Each CC contains approximately 50 million *B. bulgaricus* at time of sale," (circular) "Bulgarian Bacillus—Pure Living Cultures of the Bulgarian Lactic Acid Bacillus in Liquid Form \* \* \* Mulford Bulgarian Bacillus products embody the two essential requirements. (1) They contain true *Bacillus Bulgaricus*. (2) They are alive and active. \* \* \* If kept under proper conditions (refrigerator temperature), these liquid cultures will remain active and satisfactory for use at least four months," and similar statements in Spanish were false, deceptive, and misleading.

On May 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16543. Misbranding of Eleven 11 Bros. tonic. U. S. v. 10 Dozen Bottles of Eleven 11 Bros. Tonic. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23562. I. S. No. 07589. S. No. 1820.)

On or about April 8, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen bottles of Eleven 11 Bros. tonic, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by Eleven Bros. Laboratories (Inc.), Marshall, Tex., on or about March 1, 1929, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, iron chloride, alcohol, and water flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the label bore the following statements, "Recommended for Bad Blood, Kidney, Liver, Indigestion, Malaria, \* \* \* Rheumatism, Nerve Disorders, \* \* \* High Blood Pressure," which statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no



ingredient or combination of ingredients capable of producing the effects claimed.

On April 20, 1929, the Eleven Bros. Laboratories (Inc.), Marshall, Tex., having appeared and filed an answer admitting the interstate transportation of the product and consenting to its destruction, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be poured out of the bottles and destroyed by the United States marshal, and that the bottles be returned to the intervenor after the labels had been removed or scratched so as to render them nonusable. It was further ordered by the court that the intervenor pay costs of the proceedings and refrain from using in interstate commerce labels containing the statements on the above label or the equivalent thereof.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16544. Misbranding of Phenyo-Caffein. U. S. v. 8½ Dozen Packages of Phenyo-Caffein. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23491. I. S. No. 05763. S. No. 1695.)**

On March 4, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8½ dozen packages of Phenyo-Caffein, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Phenyo-Caffein Co., New York, N. Y., (on February 6, 1929), and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilide, caffein, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the carton and in the circular, (carton) "For \* \* \* Neuralgia. Nerve giving quick relief; \* \* \* allay feverishness \* \* \* Influenza \* \* \* These \* \* \* Pills \* \* \* are an efficient \* \* \* remedy. Caffein and Camphor \* \* \* Their invigorating and restorative effects are known and valued by persons undergoing much bodily fatigue. \* \* \* Acetanilid \* \* \* Its \* \* \* anti-fever and anti-rheumatic action," (circular) "For \* \* \* Neuralgia, Sciatica, \* \* \* Rheumatism, Painful Periods, Feverishness \* \* \* There is relief from almost every pain \* \* \* Feverishness due to \* \* \* Influenza. Camphor \* \* \* Caffein \* \* \* Combined with Acetanilid these invigorating tonics are of great value to all who become fatigued easily and to those who suffer from sleeplessness," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On April 23, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16545. Misbranding of Bromoline. U. S. v. 63 Boxes of Bromoline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23490. I. S. No. 012883. S. No. 1691.)**

On or about March 11, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 63 boxes of Bromoline at Evansville, Ind., alleging that the article had been shipped by the Senoret Chemical Co., St. Louis, Mo., on or about January 5, 1929, and transported from the State of Missouri into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the coated tablets contained acetanilide, cinchonine sulphate, and resinous plant material.



The libel charged that the product was misbranded in that the name "Bromoline," borne on the carton container and in the circular, was false and misleading and that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "Lagrippe, Influenza and Neuralgia;" (in German) "Grippe, Neuralgie;" (circular) "For \* \* \* Lagrippe \* \* \* For \* \* \* Neuralgia;" (in German) "Against \* \* \* Attack of Grippe." The carton and circular contained similar statements in other languages.

On May 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16546. Adulteration and misbranding of Mendenhall's chill and fever tonic.** U. S. v. 60 Dozen Bottles of Mendenhall's Chill & Fever Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23583. I. S. No. 01424. S. No. 1672.)

On April 5, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 dozen bottles of Mendenhall's chill and fever tonic, remaining unsold in the original bottles at St. Louis, Mo., alleging that the article had been shipped by the J. C. Mendenhall Medicine Co., from Evansville, Ind., on or about January 29, 1929, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinine sulphate (6.32 grains per fluid ounce), extract of a laxative plant drug, glycerin, alcohol, sugar, water, and a trace of sodium benzoate.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, (carton, right panel) "Containing no \* \* \* poisonous drugs and can be given to all classes of patients with perfect safety," (circular, page 1) "Contains no \* \* \* dangerous drugs. [The preparation contained quinine sulphate which is a dangerous drug. The U. S. Pharmacopœia advised caution in the use of it.] Each fluid ounce represents eight grains of quinine strength [The preparation contains 6.32 grains per fluid ounce of quinine sulphate. This amount is not equivalent to the strength of 8 grains of quinine];" (circular, page 4) "I noted on the circular that quinine strength."

Misbranding was alleged for the reason that the following statements, borne on the labels, were false and misleading: (Carton, right panel) "Containing no \* \* \* poisonous drugs and can be given to all classes of patients with perfect safety;" (carton, left panel) "Take Mendenhall's Chill and Fever Tonic in Place of Quinine. \* \* \* I have been practicing in Arkansas 20 years and constantly prescribe Mendenhall's Chill and Fever Tonic, where quinine is contra-indicated for children and adults with weak stomachs;" (carton, back panel) "Does not cause buzzing in the head, giddiness and deafness like ordinary quinine. Should always be taken where quinine is contra-indicated;" (bottle label, back panel) "Take The Chill Tonic At All Times in Place Of Quinine;" (circular, page 1) "Contains no \* \* \* dangerous drugs;" (circular, page 3) "Mendenhall's Chill Tonic, without arsenic, should be taken in place of quinine;" (circular, page 4) "I noted on the circular the quinine strength." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label, front panel, carton, front panel, and circular, page 1) "Chill and Fever Tonic," (shipping package) "Chill Tonic," (bottle label, under directions) "Slow fevers where the temperature rises daily and there is general lassitude and prostration \* \* \* After the chills or fever are broken \* \* \* For coughs \* \* \* grippe, or flu \* \* \* As a tonic for loss of appetite, general debility and malaria \* \* \* Take the Chill Tonic at All Times in Place of Quinine," (carton, front) "For \* \* \* Grippe or Flu," (carton, left panel) "Take Mendenhall's Chill and Fever Tonic \* \* \* prescribe Mendenhall's Chill and Fever Tonic, where quinine is contra-indicated for children and adults with weak stomachs," (carton, back panel) "Chill and Fever Tonic, Biliousness, Jaundice, Loss of Appetite, General Debility, Coughs \* \* \* Grippe or Flu," (carton, right panel) "Chill Tonic," (shipping package) "Chill Tonic

\* \* \* Fever-Flu," (circular, page 1) "Chill and Fever Tonic \* \* \* making at once the best treatment for \* \* \* coughs \* \* \* grippe or 'flu' \* \* \* as a tonic for \* \* \* general debility. The antiperiodic properties make it valuable in the treatment of measles or whooping cough in children and as a prophylactic agent against disease or infection \* \* \* If the tonic is not at hand until near the time of an expected attack, double the dose and take every two hours as one or two large doses will usually prevent an attack. After the chills or fever are broken take \* \* \* as a tonic \* \* \* For coughs \* \* \* grippe or 'flu,' whooping cough or measles in children and as a prophylactic against infection take the usual dose three times a day," (circular, page 2) "Persons suffering from \* \* \* slow fevers, should take \* \* \* chill tonic without arsenic," (circular, page 3) "I have been using Mendenhall's Chill & Fever Tonic \* \* \* your tonic \* \* \* other chill tonics failed to cure me of chills and fever. After taking the first dose I never had another attack. I have traveled all over the southern country and canal zone where the worst types of malaria, chills and fevers prevail and have warded off all attacks by taking an occasional dose. When I cured myself of chronic chills and fever \* \* \* Mendenhall's is the only scientific treatment for intermittent fever or chills \* \* \* No More Yellow Skin for Howett \* \* \* I took one bottle Mendenhall's Chill & Fever Tonic, without arsenic \* \* \* my skin is no longer yellow and the jaundiced look and \* \* \* chills have left me. \* \* \* as I feel that I am cured. Mendenhall's \* \* \* quinine for \* \* \* chills, fevers \* \* \* 'flu' or grippe. \* \* \* Improves the appetite, strength and condition of the blood. \* \* \* My husband had a severe attack of 'flu,' coughed terribly \* \* \* tried Mendenhall's Chill & Fever Tonic \* \* \* He completely recovered in about ten days. Our family physician now uses your Chill & Fever Tonic," (circular, page 4) "I wish to testify to the wonderful merits of Mendenhall's Chill & Fever Tonic. I find it the best medicine on earth for chills and fever and teething children. I have used it for years when my children were ailing and puny, and have never been disappointed in the results. \* \* \* Mendenhall's Chill & Fever Tonic, \* \* \* I used \* \* \* when I lived in Louisiana for chills and fever and teething children, with the best results. \* \* \* The doctor gave up our baby boy to die of \* \* \* and bowel trouble. Mendenhall's Chill & Fever Tonic cured him in the last stage," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On June 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16547. Misbranding of Grip-Sules. U. S. v. 130 Boxes of Grip-Sules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23467. I. S. No. 05035. S. No. 1601.)**

On February 26, 1929, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 130 boxes of Grip-Sules, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by Kingsbury & Frick, from Oswego, Kans., on or about December 18, 1923, and transported from the State of Kansas into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the ingredients of the capsules included 1.56 grains of acetanilide, 0.36 grain of caffeine, a quinine compound, and a pungent drug, such as capsicum.

The article was labeled in part: (Circular) "There is nothing injurious or deleterious to the stomach or to your system;" (carton container) "Grip-Sules Relieves Flu-Influenza-LaGrippe \* \* \* in less than six hours. \* \* \* Your Flu, Grippe \* \* \* indication usually starts with spells of sneezing with a weeping of the nostrils followed by feeling chilly. You should begin taking Gripsules at once. \* \* \* Take one or two Gripsules every



one or two hours, according to condition. \* \* \* It is important to continue taking Grip-Sules after you begin to feel better. \* \* \* The Grip-Sule Co;" (circular) "Grip-Sules have been in use for many years \* \* \* for \* \* \* grippe. \* \* \* Everybody is subject to what is termed LaGrippe or Flu (influenza) \* \* \* this often has its resulting complications, such as Pneumonia, \* \* \* and it is expedient to attempt to bring the body back to its normal condition as early as possible. Carefully watch yourself for any signs of \* \* \* oncoming \* \* \* Grippe which usually starts with a stuffy feeling in the head. The nostrils become inflamed, you begin sneezing, your nostrils begin to weep and you begin feeling chilly with hot and feverish spells, your bones begin aching and you feel indisposed to perform your regular occupation. \* \* \* Directions for Taking Frick's Grip-Sules. At the first indication that you are taking \* \* \* LaGrippe, or the Flu (influenza) begin taking Gripsules at once, take two Gripsules every hour until you have taken at least three or four doses, after this spread out the hours to one Gripsule every two hours until relieved. \* \* \* It is well to continue the occasional dose of a Gripsule at least every two or three hours after you begin getting relief. \* \* \* The Grip-Sule Co."

It was alleged in the libel that the article was misbranded in that the statement, "There is nothing injurious or deleterious to the stomach or to your system," above quoted, was false and misleading. Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of acetanilide contained therein, since the declaration was inconspicuous and incorrect. Misbranding was alleged for the further reason that the above-quoted statements regarding the curative and therapeutic effects of the article were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsehood, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of diseases or the prevention thereof.

On May 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16548. Misbranding of Savodine. U. S. v. 69 Packages of Savodine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23454. I. S. No. 03323. S. No. 1634.)**

On February 23, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 69 packages of Savodine, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Savodine Co., from New Bern, N. C., on or about October 29, 1928, and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an oily base containing boric acid and volatile oils including methyl salicylate and menthol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the tube and carton containing the article and in the accompanying circular, (tube) "For \* \* \* Catarrh, Rheumatism \* \* \* Neuralgia, Sore Throat," (carton) "Stopped-up-Nose \* \* \* Catarrh \* \* \* Healing," (circular) "Saves Pain \* \* \* Healing \* \* \* Since the introduction of LaGrippe in this country a great many persons suffer from Nasal Catarrh. The membrane of the nose is enlarged or inflamed. \* \* \* for such conditions we advise the use of Savodine For Influenza, 'Stopped Up Nose' and Headache, put Savodine well up both nostrils and breathe deeply. \* \* \* Sore Throat, Hoarseness and Coughs are at once benefitted by slowly swallowing a small piece of Savodine \* \* \* Neuralgia is relieved by rubbing well with Savodine \* \* \* It relieves irritation and subdues inflammation. Rheumatism and Lumbago—Rub well with Savodine. \* \* \* Whoop-

ing Cough And Spasmodic Croup.—Apply plaster of Savodine about throat and chest. \* \* \* If not relieved in a few minutes put a piece about the size of a pea in child's mouth. In Whooping Cough the duration of attack is shortened and the severity of paroxysms is lessened. \* \* \* For Itching, Burning and Bleeding Piles, insert piece up rectum and apply externally. Earache and Toothache are quickly relieved by applying Savodine. Asthma, Hay Fever and Catarrh.—Put Savodine well up both nostrils and breathe deeply. \* \* \* Pneumonia.—When threatened with Pneumonia rub back and chest thoroughly with Savodine \* \* \* A piece from one to four times the size of a pea can be swallowed when needed. Treatment can be used several times daily, and in aggravated cases every 2 or 3 hours. Of all times it is best used just before retiring and soon after rising in the morning. It is best used by putting well up nose with little finger and then breathe deeply. \* \* \* [Testimonials] He found it very helpful in catarrhal trouble \* \* \* It gives almost immediate relief in cases of difficult breathing and inhaling it freely checks and gives relief in severe coughing. \* \* \* I used it on my child for eczema with perfect results \* \* \* I have been a sufferer from asthma \* \* \* Your representative placed two samples of Savodine in my hands which I used, \* \* \* they gave me relief. \* \* \* I have given it \* \* \* trial for several ailments \* \* \* without a single exception have received very perceptible benefit. In cases of \* \* \* Toothache or Difficult Breathing its effect is wonderful. I have had LaGrippe a number of times which has left me with heavy cough and also with throat, nasal, and bronchial troubles. In these cases I get from Savodine a relief \* \* \* I had a scaly excrescence on both my ears. Continued application has removed it from the one \* \* \* I use Savodine \* \* \* for \* \* \* Coughs \* \* \* Any one who has stopped up nose \* \* \* I advise to try it. \* \* \* our little child had a severe attack of Spasmodic Croup and like magic Savodine gave him relief. \* \* \* I am now using Savodine \* \* \* I have never tried anything I like so well for Nasal Catarrh \* \* \* makes breathing easy \* \* \* it is the best thing \* \* \* for \* \* \* Catarrh, Neuralgia, Rheumatism, etc. \* \* \* I had a very severe attack of LaGrippe \* \* \* tightness of my chest and painful coughing distressed me. I greatly feared Pneumonia as a complication. I used Savodine and it certainly gave me very great benefit. Painful coughing \* \* \* harsh and restricted breathing were soon followed by a sense of comfort and refreshing sleep \* \* \* Having used it \* \* \* in croup, \* \* \* neuralgia, piles \* \* \* sores \* \* \* boils and eczema \* \* \* a small quantity placed in the nose upon retiring affords a restful night \* \* \* I have been practically cured of Insomnia. \* \* \* blood poison developed. \* \* \* I could not get my foot to heal or get the fever out. I suffered fearfully and had to walk on crutches. \* \* \* I was given a sample of Savodine and the results were marvelous. \* \* \* in two weeks I had my shoe on for the first time in four months. \* \* \* my foot is now nearly well. \* \* \* recommending your Savodine as one of the best preparations, \* \* \* for taking out fever, reducing swelling, and healing sores," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16549. Misbranding of Breaks-It. U. S. v. 57 Boxes of Breaks-It. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23496. I. S. No. 03776. S. No. 1726.)**

On March 8, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 57 boxes of Breaks-It, remaining unsold in the original packages at Brooklyn, N. Y., consigned about January 21, 1929, alleging that the article had been shipped by the Gibson-Howell Co., Jersey City, N. J.,

and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained phenyl salicylate (salol), sodium salicylate, sodium bicarbonate, and a small amount of alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic and curative effects of the said article, borne on the label, (tin box) "Breaks-It \* \* \* a preventive of Influenza. Running of the nose, fullness of the head or a chilly feeling are the first signs of danger and should be met promptly by taking Breaks-It \* \* \* take \* \* \* until symptoms disappear," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On April 4, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16550. Misbranding of Sternox. U. S. v. Six Packages of Sternox. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23374. I. S. No. 03095. S. No. 1530.)

On February 5, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 packages of Sternox, remaining in the original unbroken packages at Derby, Conn., alleging that the article had been shipped by the Sterno Corporation, New York, N. Y., on or about January 5, 1929, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing small amounts of camphor, menthol, turpentine, thyme, and eucalyptus oils.

It was alleged in the libel that the article was misbranded in that the following statements, regarding the curative and therapeutic effects of the said article, borne on the labels, (display carton) "For Coughs, Sore Throat, Etc.," (tube) "For \* \* \* Grippe, Croup, Influenza, etc. \* \* \* Directions \* \* \* For inflammation, Soreness and Congestion apply Sternox Freely," (cartons) "For \* \* \* Grippe, Croup, Influenza, etc. \* \* \* An efficient aid in the treatment of Grippe, Croup, Influenza, Whooping Cough, Bronchitis, Asthma, Catarrh, Pneumonia, Neuralgia \* \* \* Inflammation, Congestion, etc.," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth and falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On June 3, 1929, the claimant for the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16551-16575

[Approved by the Secretary of Agriculture, Washington, D. C., January 29, 1930]

**16551. Misbranding of Dar-Ling-Oil. U. S. v. 6 Dozen Large-Sized Packages, et al., of Dar-Ling-Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23587. I. S. No. 05817, 05818. S. No. 1749.)

On April 4, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen large-sized packages and 6 dozen small-sized packages of Dar-Ling-Oil, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Hemlock Oil Co., from Derry, N. H., on or about January 17, 1929, and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained camphor, chloroform, and volatile oils including mustard and pine oils.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (bottle labels) "Headache, Toothache, Earache, Coughs \* \* \* Catarrh, Croup, Sore Throat, Hoarseness, Catarrhal Deafness, Bronchitis, Influenza, Asthma, Neuralgia, Sciatica, \* \* \* Stiffness, Backache, Gout and Rheumatism," (carton labels) "For Sore, Lame, Swollen \* \* \* Feet \* \* \* Headache, Toothache, Earache, Coughs, Grippe \* \* \* Catarrh, Sore Throat, Croup, Hoarseness, Bronchitis, Catarrhal-Deafness, Influenza, Asthma, Neuralgia, Sciatica, \* \* \* Stiffness, Backache, Gout and Rheumatism. \* \* \* for The Throat, Chest, Lungs and Nasal Organs," (circular, small size) "For—Catarrh, Catarrhal Deafness. \* \* \* etc. Place a few drops of the Oil in the palm of the Hand and Inhale. \* \* \* For—Neuralgia \* \* \* Stiffness, Backache, Sciatica, Grippe, \* \* \* Gout and Rheumatism \* \* \* the parts afflicted \* \* \* bathe the parts freely with the Oil \* \* \* it penetrates and relieves the Soreness, Lameness and Swelling of the Cords, Bones and Muscles. \* \* \* For—Asthma, Bronchitis, Influenza, Croup, Sore Throat, Hoarseness, Coughs, \* \* \* apply the Oil Freely, then bandage the Throat and Chest with Flannel and Inhale the Oily Vapor or Fumes from the Hand, same as for 'Catarrh.' For—Children with Croup, Whooping Cough. \* \* \* etc., \* \* \* bathe the child's Chest and Throat \* \* \* For—Headache, Bathe the Forehead, Temples and back of the Neck Freely with the Oil and inhale same as for Catarrh. For—Toothache \* \* \* place in the Cavity \* \* \* For—Earache \* \* \* place in the ear \* \* \* Inhale from hands same as for 'Catarrh.' For \* \* \* Sore, Lame, Swollen \* \* \* Feet \* \* \* apply the Oil \* \* \* rubbing \* \* \* into the Pores \* \* \* For \* \* \* Lameness \* \* \* For—Open Wounds, \* \* \* Sores, \* \* \* Petrolatum to \* \* \* Darling Oil \* \* \* and apply. A few drops on sugar relieves cramps, colic and indigestion," (circular, large size) "For—Catarrh, Catarrhal Deafness, \* \* \* etc. Place a few drops of the Oil in the palm of the Hand \* \* \* Inhale \* \* \* For—Neuralgia \* \* \* Stiffness, Backache, Sciatica, Grippe, \* \* \* Gout and Rheumatism, \* \* \* the parts Afflicted \* \* \* bathe the parts \* \* \* with the Oil \* \* \* Absorbed into the Pores and

Tissues and carried direct to the Cords, Bones and Muscles where it will Draw out the Soreness, Lameness, and Swelling \* \* \* For—Asthma, Bronchitis, Influenza, Croup, Sore Throat, Hoarseness, Coughs, \* \* \* bandage the throat and Lungs with flannel and Inhale the Oily Vapor or Fumes, from the Hand, same as for 'Catarrh.' For—Children with Croup, Whooping Cough \* \* \* bathe the child's Lungs and Throat \* \* \* For—Headache, Bathe the forehead, Temples and back of the neck Freely with the Oil and Inhale same as for Catarrh. For—Toothache, \* \* \* place in the Cavity \* \* \* For—Earache \* \* \* Inhale from hands same as for 'Catarrh.' \* \* \* For—Sore, Lame, Swollen \* \* \* Feet \* \* \* apply the Oil \* \* \* rubbing \* \* \* into the Pores. \* \* \* For \* \* \* Lameness \* \* \* For—Open Wounds \* \* \* Sores \* \* \* Petrolatum \* \* \* Dar-Ling-Oil \* \* \* and apply. \* \* \* Darling Oil \* \* \* as a Pain Expeller \* \* \* I have \* \* \* used \* \* \* Dar-Ling-Oil for \* \* \* Catarrh, and have experienced great relief \* \* \* You do not have to wait till tomorrow or next week or next month for results \* \* \* within seven minutes after you apply it, you will feel the flesh absorb the Oil as a sponge absorbs water. It \* \* \* keeps the pores open, the glands active, and the blood in a good Healthy Circulation. \* \* \* for the treatment of Sciatica, Rheumatism \* \* \* Stiffness, Gout, Neuralgia and Backache \* \* \* Rheumatism \* \* \* If you have Rheumatism in any form you may try Darling Oil for External Use," (circulars, large and small) "Headache, Toothache, Earache, Coughs \* \* \* Catarrh, Sore Throat, Hoarseness, Bronchitis, Influenza, Asthma, Neuralgia, Sciatica \* \* \* Stiffness, Backache \* \* \* Gout, Grippe and Rheumatism," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16552. Misbranding of flaxseed menthol wild cherry cough syrup. U. S. v. 6 Dozen Bottles of Flaxseed Menthol Wild Cherry Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23499. I. S. No. 02596. S. No. 1618.)**

On March 8, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen bottles of flaxseed menthol wild cherry cough syrup, remaining in the original unbroken packages at Portland, Me., consigned by Hance Bros. & White (Inc.), Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about November 16, 1928, and transported from the State of Pennsylvania into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained benzoic acid, menthol, glycerin, sugar, alcohol (1.6 per cent), and water, and was colored with a coal-tar dye.

It was alleged in the libel that the statement "Flaxseed Menthol Wild Cherry Cough Syrup," borne on the bottle label and carton, was false and misleading. Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label) "For All Affections Of Throat and Air Passages, such as Acute and Chronic Coughs \* \* \* Bronchitis, Croup, Hoarseness and Whooping Cough," (carton) "Relieves Cough \* \* \* Whooping Cough and La Grippe \* \* \* reducing the inflammations \* \* \* Relieving Hoarseness and Bronchitis," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16553. Misbranding of laxative phospho quinine capsules. U. S. v. 20 Dozen Packages of Laxative Phospho Quinine Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23459. I. S. No. 02595. S. No. 1619.)**

On February 25, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 dozen packages of laxative phospho quinine capsules, remaining in the original unbroken packages at Portland, Me., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., on or about January 15, 1929, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetanilide, cinchona alkaloids, phenolphthalein, capsicum, gamboge, phosphates, sulphates, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (bottle label) "For La Grippe \* \* \* Neuralgia \* \* \* Chills, Fever and Malaria Trouble \* \* \* One capsule every three hours until the ailment is relieved," (carton label) "For La Grippe \* \* \* Neuralgia, Chills, Fever and Malaria Trouble," (circular) "Useful in the Treatment of \* \* \* Grippe, Neuralgia and Malarial Troubles, Chills and Fever. \* \* \* One capsule every three hours until the ailment is relieved \* \* \* our capsules will be found satisfactory in its action," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16554. Misbranding of Hull's Superlative compound. U. S. v. 2½ Dozen Packages of Hull's Superlative Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23446. I. S. No. 05389. S. No. 1531.)**

On February 28, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ dozen packages of Hull's Superlative compound remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the A. J. Hull Chemical Co., Findlay, Ohio, on or about October 18, 1928, and transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including cinchona, a small amount of volatile oil, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "La-grippe and Tonsillitis—Take two-thirds teaspoonful every two hours for 4 or 5 times, then drop to regular dose. Rheumatism—Take two-thirds teaspoonful 3 times a day;" (carton label) "Hull's Superlative Compound \* \* \* used as a treatment to regulate the Liver, Kidneys, and Bowels \* \* \* We have many testimonies that Hull's Superlative Compound is a successful treatment as a Liver, Kidney, and Bowel Regulator, Indigestion, Loss of Appetite, Sick and Nervous Headaches, Colds and LaGrippe, Nervous Prostrations, St. Vitus Dance, Epileptic Fits, Paralysis, Painful Menstruation, Bad Results from the Change of Life, Children who have weak Kidneys and make trouble nights, Rheumatism, Diabetes and Dropsy;" (circular) "Hull's Superlative Compound Is Highly Recommended \* \* \* for Indigestion, Nervous Prostration, Rheumatism, Dropsy, Inactive Liver and Kidneys, Paralysis \* \* \* La Grippe and Tonsillitis Hull's Superlative Compound \* \* \* compounded to proper proportion to get best results. The Medicinal qualities of these roots, barks

and berries have been known and used \* \* \* for the purpose of relieving distress of the body. \* \* \* I was afflicted with kidney and liver diseases for twenty-five years; sometimes my liver would ulcer and break, kidneys were so sore that I could scarcely turn in bed, and if I would step down a little farther than I anticipated would almost fall. \* \* \* At last I found the proper ingredients that worked in harmony, and by the time I had taken one bottle full was able to do a day's work, such as I had not done for fifteen years. This was in June, 1889. Two months from the time I began taking the Superlative family medicine I felt as well and young as ever; \* \* \* customers from all over the United States and Canada, telling how they had been in the depths of despondency with nervous Prostration, Indigestion, Paralysis, Dropsy, Diabetes, Liver and Kidney Trouble. Bad results from change of life, \* \* \* La Grippe and Tonsilitis and other troubles, telling how they had used Hull's Superlative Compound, and were restored to a life of usefulness \* \* \* The Hull family \* \* \* have found out through experience that with Hull's Superlative in the home you have very little sickness, as we have broken all \* \* \* La Grippe, Influenza, Tonsilitis, Bilious Fevers by taking a few heavy doses, or if run down in general health we always take light doses and take them steady three times per day. We always are relieved, and by knowing this medicine will do the work, have no fear of sickness. Relief for Dropsy \* \* \* Two years ago I was in a very serious condition with inactive kidneys, pains in my back and to the back of my head. Limbs would swell and feet and limbs become numb. I was also very nervous that it was impossible to sleep nights. I tried different treatments but continued to get worse, until finally I thought of Hull's Superlative of which I used about 10 drops before each meal and took 20 drops before going to bed. That first night I could sleep fine, in one week the swelling was gone from my limbs and circulation came back, and soon regained perfect health. \* \* \* So many of my neighbors seeing the good it did me got Hull's Superlative and got the same good results. \* \* \* One case of Infantile Paralysis that was very bad at the start is absolutely recovered and as perfectly recovered as anyone could be. Other Infantile cases have been greatly benefitted that I know of, as well as several other ailments as Nervousness, Stomach Trouble, Sleeplessness, etc., have been benefitted by taking Hull's Superlative \* \* \* For years I suffered with nervous indigestion \* \* \* I had despaired of ever being well when a friend of mine persuaded me to try your medicine. I did so and the result was highly satisfactory. When I began taking it I weighed 120 and now I weigh 145 and feel fine all the time. Paralyzed—Forgot How to Read—Hull's Superlative Restores the Mind \* \* \* I received a stroke of Paralysis. \* \* \* I pulled through the acute attack and became so I could be up and around the house. Still my right arm and hand was helpless, my fingers were drawn up into the palm of my hand and I could not straighten them out and had very poor blood circulation. My leg was weak and I could not trust myself to walk without assistance. My mind was affected and I forgot how to read. My children put large letters of A B C up before me asking me what the letters were and I could not tell them, and they naturally thought it strange I could not read the simple letters. \* \* \* I was persuaded to take Hull's Superlative, that wonderful medicine, and I began to gain slowly. My appetite improved and I was soon relieved of indigestion from which I had been suffering. After I had used the medicine one month I could read. My memory improved and feeling and usefulness came back to my arm and leg. \* \* \* My hand is almost natural and I can walk everywhere I wish to go and it is a great pleasure to call on my neighbors again. Hull's Superlative is surely a wonderful medicine to have helped my case \* \* \* Bone Dropped Three Inches Out of Socket from Paralysis—Hull's Superlative Gives Help. \* \* \* I had a stroke of paralysis, knocked down just like I had been hit on the head with a hammer. For three months I was in bed unconscious, could not even remember my wife's name. When I came to I found I had lost the use of my right side. My leg improved some the first two years after, but my arm became badly deformed, so much so that the bone dropped about three inches out of the shoulder. Muscles of the shoulder just seemed to dwindle away. My fingers were drawn up in the palm of my hand, and had no circulation of blood or life in the nerves. I could straighten out the fingers but they would draw back to the palm at once. I could not raise my hand higher than my waist. Last summer in July I commenced using Hull's Superlative Compound and in a few days the



circulation of blood and life came back to the nerves of my hand and arm, there was a tingling sensation and pain for a few days, then I could open my hand straight, and lift my hand above my head, and during the last year have used five bottles of this remedy, and can say that there has been a steady improvement. The muscles have developed in my arm and hand and are firm and solid and my shoulder is about in place. Where I could see everything double I now see natural. Also my speech is much improved and during the last six months I have been doing most of the house work and taking care of a large garden. I owe my greatly improved condition to Hull's Superlative Compound. \* \* \* Finds Relief from La Grippe and Catarrh. \* \* \* I was seized with hard chills \* \* \* found I had a genuine case of La Grippe. Nearly every bone in my body ached and I was so sick that I was unable to report at the office the following morning. I took four doses of 20 drops each of Hull's Superlative Compound that day. The next morning I was feeling tip top and able to return to my duties. \* \* \* Hull's Superlative for catarrh of the head that I had for years. After using about two-thirds of a bottle this trouble left me entirely and it has been nearly a year now and no trouble since. \* \* \* Had Malaria Fever and Chills, Became a Nervous Wreck \* \* \* I became very sick with inflammation of the stomach and bowels, malaria fever and chills, and finally became a nervous wreck, and was confined to my bed most of the time; was too weak to do housework and I began to despair of ever getting well. \* \* \* My stomach was so weak that the only thing I could eat was broths and the lightest kinds of soup. My blood run down until it became like water and complexion was yellow; lips were white with no blood. \* \* \* get a bottle of Hull's Superlative commence taking 2 or 3 drops at a dose, and gradually increase the amount as I got stronger, that I would soon be able to eat anything it would not hurt me; that my lips would get red and thought it would even take most of the wrinkles out of my face and also said that he was quite sure that one bottle would do the work. I am glad to say that Hull's Superlative has done more for me than what he told me it would do, as I have only taken one-half bottle and have gained a good many pounds. I can eat anything I wish, have a good appetite, no distress in my stomach and bowels; my lips are red; most of the wrinkles have disappeared from my face and I feel like living and will never cease to praise this wonderful medicine. \* \* \* Paralyzed—One Bottle Put Me on My Feet \* \* \* I suffered a severe stroke of Paralysis, my entire left side was affected, \* \* \* I had become almost helpless and could not trust myself to cross the street alone. \* \* \* One bottle put me on my feet and by using this remedy off and on in the last two years it has kept my blood, nerves and general health to where I can work hard every day. \* \* \* I can truthfully recommend Hull's Superlative to anyone who has constitutional trouble, or a weak run down physical condition. \* \* \* Relief for Dropsy \* \* \* Mrs. Dora Moomey was operated on six times in one year for dropsy. The first time eight gallons of water was drawn from her and each one after that from four to six gallons. The last two only three weeks apart. The doctor told us that she could not possibly live each time he operated on her. Her dropsy came from a weak heart. She would drop any place with her heart disease for the last fourteen years, but had the last operation and began taking the Hull's Superlative and now there is no swelling and her heart is better and it has given her new lease on life. \* \* \* her limbs would swell almost as large as her body and I had to keep them bandaged from her toes to her hips to keep them from bursting. She could not walk nor lay down; she sat in a chair to sleep for over a year, but now she is up helping with the work and getting along fine. \* \* \* Had Influenza—Used Hull's Superlative \* \* \* I contracted Spanish Influenza. \* \* \* Having a bottle of Hull's Superlative at hand I at once started in to take it regularly. Although I was quite sick for two days it helped me out so that I need not be alarmed at my condition. Within a week's time I was again feeling fine which I owe to this medicine. \* \* \* I was so run down that I was nothing but skin and bone and my heart was so bad that I could not go upstairs without sitting down or thinking every minute that I was going to die. I couldn't sleep a single night without horrible dreams or waken up with my heart jumping just as if I was scared to death about something and I would get up in the morning more tired than I was in the evening before. I couldn't do any work as I was so terribly weak all the time I was in this shape. \* \* \* began to use the Superlative and

I could notice a different heart action in my heart after I had taken it only three days. I soon began to sleep better and eat better and I got stronger and I have been like a new person for the last 5 years. I now weigh 148 pounds and when I commenced to take your medicine I only weighed 96 pounds and I can do more work now than I ever could in my life, go to bed feeling good after doing a big day's work and get up in the morning feeling good and ready for another day's work. I have six in the family and plenty to do. I only wish that I could tell everyone that is suffering like I did of this wonderful Superlative Compound so they could get well like I did. I sent to you for a good many bottles, not for myself but for others who were suffering and who wished me to send for it and it has relieved or helped everyone who took it. It certainly has done a world of good for me. I only wish I could talk to you personally as I could express my feeling better than to write it, in regards to the goodness your Superlative Compound has done for me. \* \* \* My Wife Entirely Recovered from Paralysis \* \* \* my wife had a stroke of paralysis \* \* \* and was paralyzed on her right side and her face drawn crooked. She began using Hull's Superlative and in a few days began to improve and in a few weeks began doing her own housework \* \* \* She used only a few bottles and has entirely recovered from the effects of the stroke and no signs of it since. She is now \* \* \* well. \* \* \* Suffered Everything But Death—Rheumatism the Cause—Hull's Superlative the Remedy. \* \* \* I have received wonderful relief and now enjoy good health from the use of Hull's Superlative. I had been suffering with Neuritis and Rheumatism for the past year. \* \* \* I was perfectly helpless for nearly one month. A friend recommended Hull's Superlative to me and after taking one bottle I feel I have my perfect health. I suffered everything but death and I am now telling everyone what the medicine has done for me and people who knew of my condition came to see me and learn of my wonderful cure. \* \* \* No Feeling in Arm or Leg—Complete Recovery \* \* \* I was taken with Infantile Paralysis \* \* \* and was paralyzed on my right side. I had no power to move my arm or limb, also no feeling in either. About two months after I was taken sick I started taking Hull's Superlative Compound and in three weeks feeling came into my arm, I had a great deal of pain for some time, but it gradually left as the blood began to circulate and the life come back. At the present time I have perfect use of my arm and leg without any deformity. I owe my recovery to Hull's Superlative \* \* \* Ulceration of Stomach and Bowels—Hull's Superlative a Godsend to Me. \* \* \* I had suffered with ulceration of the stomach and bowels for at least 15 years, also sick bilious headaches. Had an examination made by my doctor, and he told me I had ulcers of the stomach and bowels. \* \* \* The last three years my condition began to grow worse, and one year ago I had entirely given up all hopes of ever being a well woman again, as I could not eat anything but breakfast food and milk and a very little of that. I had a ravenous appetite, suffered when I did not eat and a great deal more when I did eat, and I could not even drink water without suffering severe pain, also had indigestion in the worst form. One day my little boy came in and handed me one of your circulars, that was about eight months ago, and I must say that it certainly was a Godsend to me. I started taking your medicine right away, and now can say that I can enjoy a good meal three times a day, and eat almost anything I want, and I am also rid of those dreadful headaches which I had for years. Was very nervous, and at times thought I would go insane, but now I am so much better that I feel positive that by continuing to use your medicine a little while longer I will be entirely cured. \* \* \* I had \* \* \* inactive liver, and Hull's Superlative broke up \* \* \* the bilious condition I was in in three days. \* \* \* Nervous Breakdown—Only Weighed 90 Lbs.—Now Can Work Harder Than Usual \* \* \* I had a very severe nervous breakdown, run down in weight to 90 lbs. and unable to do work of any kind. \* \* \* I heard of Hull's Superlative Compound as a good nerve and blood builder. With its use I made rapid improvement. In five weeks I went from 90 to 116 pounds and later back to my normal weight. Hull's Superlative certainly does what it is recommended to do. Last summer and fall I could work harder than usual, and would get less tired. I also had a grandchild who had a fever which left one side paralyzed. This remedy restored the child to almost perfect condition. \* \* \* I had nervous prostration, was in a very run down condition, only weighed 123 lbs. My nerves were so weak I could not sleep nights and would lie awake most of the night, and in the morning would be all in and unfit for work. I got a bottle of your wonderful Superlative, and



only took three drops at a dose. That one bottle relieved me and my weight increased to 166 pounds. Hull's Superlative is certainly a great nerve and body builder. \* \* \* a lady that was very weak and nervous and told her that she ought to get Hull's Superlative and get well. \* \* \* Hull's Superlative Compound \* \* \* has been known to relieve half dozen diseases at once. Superlative is nature's remedy. It assists nature to do its work. \* \* \* Not a Drop of Medicine for Two Years; Hull's Superlative Done Its Work. \* \* \* Seven years ago I took sick with Sugar Diabetes, ran down until I only weighed 135 pounds where I had been weighing 180 pounds. Was sick for two years and never expected to get well. Five years ago I began using your medicine. Took five bottles and was restored as sound as a dollar. My weight increased to 165 pounds. I have not had to take a drop of medicine now for two years and work every day. \* \* \* Druggist Says Hull's Superlative My Best Seller for Nervous Cases, Cases, Paralysis, Rheumatism and Stomach Trouble. \* \* \* In regard to Hull's Superlative Compound, it is the best seller we have ever handled, mostly on account of the wonderful results obtained from its use in this community, especially nervous cases, paralysis, rheumatism and stomach trouble. \* \* \* Rheumatism Caused Kreitz to Keep His Family Awake \* \* \* I was bothered with rheumatism in my arms which was getting very severe at nights. I got so bad I walked the floor for hours throwing my arms and kept my family awake. My wife insisted I give Hull's Superlative a trial. After taking a few doses I was relieved. I continued taking it until I had used one bottle and I have not been bothered since. It sure helped me wonderfully. \* \* \* In Bed Five Months with Rheumatism, Hull's Superlative Restores to Health. \* \* \* I was afflicted with the disease for over a year and was bedfast for more than five months. I received help from the first bottle and I am enjoying good health at the present time. Also many of my friends have tried this medicine and received help. \* \* \* Hull's Superlative the Greatest Blood Builder. \* \* \* I have used Hull's Superlative for the last two years as a family medicine and find it the greatest blood builder I have ever used. It always relieved my children of the La Grippe, \* \* \* and Bilious fever spells. \* \* \* I had suffered with Inflammatory complaint, pains beginning at the hips and following the course of the sciatic nerve. \* \* \* Hull's Superlative was recommended to me by a friend. I used 4 bottles; am now perfectly clear of pains, feeling as sound as a gold dollar looks. I can recommend your medicine to anyone suffering with the same disease. \* \* \* Hull's Superlative Brings Good Results for Rheumatism and Dropsy. \* \* \* Relative to your Superlative Compound wish to say that I have taken 5 bottles and derived great results for both Rheumatism and a dropsical condition and recommend it highly to all suffering people. \* \* \* Rheumatism about Gone—Nerves Much Stronger, Gained in Weight by Using Hull's Superlative. \* \* \* I was almost an invalid with rheumatism, indigestion and nervous trouble. \* \* \* Hull's Superlative Compound \* \* \* I have used three bottles to date, and have received great benefit. Rheumatism about gone, nerves much stronger and have gained a good many pounds in weight."

On June 8, 1929, no claimant having appeared for this property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16555. Misbranding of Sedafen. U. S. v. 45 Packages of Sedafen. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23441. I. S. No. 01712. S. No. 1606.)**

On February 27, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 packages of Sedafen, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Sedafen Products Co., Springfield, Ohio, on or about August 24, 1928, and transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetphenetidin, acetylsalicylic acid, and caffeine.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, were false and misleading: (Bottle carton) "Safe \* \* \* Harmless \* \* \* Does Not Affect The Heart;"



(circular) "Does not effect the heart \* \* \* Stops pain without causing any after effects." It was further alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3 as amended, in the case of drugs, in that the labeling bore the following statements regarding the curative and therapeutic effects of the said article. (bottle label) "To relieve \* \* \* Neuralgia, Menstrual Pains, \* \* \* Etc. \* \* \* 1 to 2 tablets per hour until relieved," (carton label) "Safe, Rapid, Harmless \* \* \* Does Not Affect The Heart. \* \* \* For \* \* \* Neuralgia, Periodic Pains \* \* \* and La Grippe, Etc. For Relief of Pain," (circular) "Invigorating Sedafen is a \* \* \* pain reliever. Does not affect the heart \* \* \* Sedafen Speedily relieves pain in \* \* \* Headaches of the habitual type, more especially those due to Menstrual Disorders, Nervous Condition, Mental Exhaustion from overwork. Difficult \* \* \* Painful Menstruation \* \* \* La Grippe, Influenza, Neuralgia, Sciatica, Neuritis. Sleeplessness due to pain irritation and congestion. \* \* \* Pains of the Acute Gall Stone Attack. Sedafen for all pains and aches \* \* \* restores you to normal \* \* \* this wonderful pain reliever \* \* \* stops pain \* \* \* For \* \* \* Painful Menstruation, Earache, Neuritis, Neuralgia, Traumatic Pain, Pain of the Acute Gall Stone Attack. 1 to 2 tablets per hour until relieved. For Rheumatism, Sciatica, Lumbago, 2 tablets every 2 to 4 hours. For \* \* \* La Grippe, Influenza, 1 to 2 tablets followed by 1 tablet every 2 hours until relieved. For sleeplessness," and by reason of the above-quoted false and fraudulent statements the product should be condemned.

On June 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16556. Misbranding of Rider's Liniment. U. S. v. 4 Cases of Rider's Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22774. S. No. 784.)**

On May 17, 1928, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of Rider's liniment, remaining in the original unbroken packages at Dallas, Tex., consigned by G. Haggard Rider, San Diego, Calif., alleging that the article had been shipped from San Diego, Calif., on or about February 6, 1928, and transported from the State of California into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a mineral oil, such as gasoline, containing traces of sassafras oil and camphor.

The article was labeled in part: (Bottle label) "Muscular Cramp, Muscular Rheumatism, Bronchial Cough, Spasmodic Croup, Wind Colic, Acute Pleurisy, Lumbago;" (carton) "Tends to relieve Inflammation and to allay pain. \* \* \* Muscular Rheumatism, Lumbago, Acute Pleurisy, Wind Colic, Bronchial Cough, Spasmodic Croup, Muscular Cramp \* \* \* In Muscular Rheumatism massage the flesh firmly but gently with the fingers. \* \* \* A remedy for Man, Woman or Child. External Use Only \* \* \* Neuralgia, Sciatica, Neuralgia, Headache, Toothache \* \* \* Stiffness and Soreness of the Muscles after \* \* \* Exposure. \* \* \* Wind Colic apply over Stomach and Bowels;" (circular) "The name Eucalyptus Oil Compound now changed to Rider's Household Liniment (changed in name only) \* \* \* The Great Penetrating Liniment for Many Emergencies in the Household. This Liniment will Prove Helpful. It Tends to Relieve Inflammation and to Allay Pain. \* \* \* The Price of Good Health is Eternal Vigilance. One must fight Sickness, Disease and Human Ailments like you would fight the Devil or a fire in your home. What's a Cold? A Cold is a congestion and inflammation which settles at some weak spot or organ of your body, there to develop until it becomes chronic, and in many cases causing operations and premature deaths. Congestion is the foundation of disease and human ailments in Man, Woman or Child. \* \* \* For Men, Women and Children. The Great Penetrating and Healing Liniment \* \* \* Enclosed find money order for \$3.50 for which please send me one quart of Eucalyptus Oil Compound, at once, as have 'Flu' in my family now. \* \* \* Please send me a quart bottle of your Eucalyptus Oil Compound (Now changed to Household Liniment.) I don't

see how we can get along without it. I use it for everything. \* \* \* I have a baby and have always used it on her for colds and stomach trouble and have never had to have a Dr. in my house. \* \* \* Find enclosed a \$2.25 P. O. money order for which please send me one pint of Eucalyptus Oil Compound (now changed to Rider's Household Liniment). It is so good for colds. \* \* \* Enclosed please find money order for \$3.50 for which please send me one quart Eucalyptus Oil Compound (now changed to Rider's Household Liniment) \* \* \* Use it for all pains and colds and is great for sick stomach, as one or two applications will relieve it. \* \* \* Enclosed find P. O. money order for \$3.50 for one quart of your Eucalyptus Oil Compound. It is the most wonderful oil and I cannot get along without it. Have tried it on a sore kidney (loose) and have had wonderful results. \* \* \* Please send me one pint of Eucalyptus Oil Compound \* \* \* It is so great, it is the only thing we find to kill pain. \* \* \* Rider's Eucalyptus Oil Compound (now changed to Rider's Household Liniment) must be a wonderful remedy \* \* \* Good Health is the Greatest Blessing, the Loss of It the Greatest Misfortune. Thousands of afflicted men and women who have used Eucalyptus Oil Compound (now changed to Household Liniment), can testify it is the most remarkable and all around Liniment. Remember—An Ache or Pain is a telegraph or telephone message to your Brain that there is some thing wrong with you. It's a warning to you to get busy at once. Rider's Household Liniment—For many emergencies in the Home this Liniment will prove helpful. It tends to relieve inflammation and to allay Pain."

It was alleged in the libel that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic effects of the said article, borne on the labeling, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 16, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16557. Adulteration and misbranding of Capsi-Quin compound tablets and misbranding of glycerio-terpin compound. U. S. v. 1 Dozen Bottles of Capsi-Quin Compound Tablets, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23689. I. S. Nos. 08527, 08528. S. No. 1875.)**

On May 7, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 dozen bottles of Capsi-Quin compound tablets and 4 bottles of glycerio-terpin compound, remaining in the original unbroken packages at New Bedford, Mass., alleging that the articles had been shipped by Boss & Seiffert Co. (Inc.), from Providence, R. I., on or about January 17 and April 6, 1929, respectively, and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding with respect to the former, and misbranding with respect to the latter, in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Capsi-Quin compound tablets contained 0.9 grain of quinine sulphate, 1.3 grains of acetanilide, and a small amount of capsicum in each tablet; and that the glycerio-terpin compound contained a codeine salt, chloroform, terpin hydrate, ammonium chloride, tolu, glycerin, alcohol, and water.

It was alleged in the libel that the Capsi-Quin compound tablets were adulterated in that the said article of drugs was sold under the following standard of strength "Acetanilid—Grs. 1½," whereas, in truth and in fact, the strength of said article fell below such professed standard.

Misbranding was alleged with respect to the said Capsi-Quin compound tablets for the reason that the statement on the label, "Acetanilid—1½ grs.," was false and misleading. Misbranding was alleged with respect to both products for the reason that the statement on the label of the Capsi-Quin compound tablets, as follows, "Influenza \* \* \* Fever," and the statement on the label of the glycerio-terpin compound as follows, "Indications—Acute and chronic bronchitis, coughs \* \* \* la grippe, laryngitis, phthisis," regarding the curative and therapeutic effects of the said articles were false and fraudulent in that they contained no ingredient or combination of ingredients capable of producing the effects claimed.



On June 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16558. Adulteration and misbranding of Bromo-Aspirin. U. S. v. 11 Dozen Packages of Bromo-Aspirin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23527. I. S. No. 04302. S. No. 1667.)**

On March 20, 1929, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Bromo-Aspirin, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Casey Chemo Therapy Co., Baltimore, Md., on or about January 4, 1929, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained 3.7 grains of acetylsalicylic acid, 2.3 grains of ammonium bromide, and 0.5 grain of caffeine each. They contained no free ammonia.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard, "Dr. Casey's Bromo-Aspirin with Aromatic Ammonia," under which it was sold.

Misbranding was alleged for the reason that the statements as follows, (tin, carton container, and circular) "Bromo-Aspirin With Aromatic Ammonia," (carton container) "Makes Heart Stronger \* \* \* Makes the Heart Strong," (circular) "Makes Heart Stronger," regarding the article, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (circular) "Dr. Casey's Bromo-Aspirin With Aromatic Ammonia \* \* \* For \* \* \* Neuralgia, Rheumatism, Neuritis, Influenza (Flu), Mental Fatigue, Physical Exhaustion, etc. The results obtained have proved Dr. Casey's Bromo-Aspirin with Aromatic Ammonia to be a remedy most efficacious for the following Ailments and Diseases For Neuritis \* \* \* Rheumatism \* \* \* Grippe (Flu), Neuralgia, Palpitation of the Heart, Lumbago (Pain in the back), Mental Fatigue \* \* \* Earache, Periodic Pains, Physical Exhaustion, Alcoholic Excesses \* \* \* For Neuritis, Rheumatism, Neuralgia, \* \* \* Periodic Pain \* \* \* Two (2) every two hours until relieved of pain \* \* \* continue two tablets every 3 or 4 hours to strengthen the resistance against return attacks. For \* \* \* Grippe (Flu), Alcoholic Excesses, \* \* \* Earache, Mental Depression \* \* \* For Physical Exhaustion \* \* \* and Worry," (container carton) "Makes Heart Stronger \* \* \* Dr. Casey's Bromo-Aspirin with Aromatic Ammonia Makes the Heart Strong, Relieves all Pain, Stimulates the Stomach and Nerves; Drives Uric Acid from the system. For \* \* \* Neuralgia, Rheumatism, Neuritis, Influenza (Flu), Mental Fatigue, Physical Exhaustion, etc.," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 28, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16559. Misbranding of Wag's salve. U. S. v. 45 Packages of Wag's Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23530. I. S. No. 04128. S. No. 1658.)**

On March 20, 1929, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 packages of Wag's salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by Wag's Chemical Co. (Inc.), Knoxville, Tenn., on or about February 1, 1929, and transported from the State of Tennessee into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including methyl salicylate and menthol incorporated in petrolatum.



It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (jar top) "Indicated in Croup \* \* \* Catarrh, Pneumonia, Tonsilitis, Etc.," (jar label) "For the treatment of Croup, Whooping Cough, \* \* \* Sore Throat, Catarrh, Tonsilitis, Bronchitis, Rheumatism, \* \* \* Aches, Sores, \* \* \* Headache \* \* \* Pains \* \* \* For Pneumonia. The parts to be treated are the chest, lower part of the throat, back between shoulder blades, and the side or sides that pain, \* \* \* rub in Wag's Salve well till the skin is red. Then put on thick coating of Wag's Salve \* \* \* For Croup. Rub chest and throat thoroughly with Wag's Salve \* \* \* For Catarrh \* \* \* Tonsilitis, Sore Throat, Etc. Use as for croup, swallow small amount of Wag's Salve size of bean occasionally," (carton) "For the Treatment of Croup \* \* \* Catarrh, Pneumonia, Tonsilitis, Etc. \* \* \* Wag's Salve is \* \* \* a \* \* \* method of \* \* \* medication in the various diseases of the lungs and air passages. \* \* \* for the treatment of Influenza, Itching Piles, Itching Humors, Whooping Cough, \* \* \* Sore Throat, Rheumatism, Pneumonia, Tonsilitis, Catarrh \* \* \* Sprains, Croup, \* \* \* Boils, Eczema. \* \* \* Use freely in pneumonia cases. For best results apply freely over the chest and neck and in the nose, \* \* \* so that the vapors arising may be freely inhaled, thereby receiving an Internal as well as External treatment," (circular) "Goes Straight to the Spot Good For Almost Everything \* \* \* when medicine goes direct to the cause of trouble it is much stronger and quicker in action and better in results. \* \* \* the effect is a thousand times stronger than when the same medicine is taken internally. To produce something that would go direct to administer medicine through the skin, led to the long and careful experiments that finally resulted in the production of Wag's Salve \* \* \* Wag's Salve goes direct to the spot. \* \* \* It carries direct to the part to be reached, through the pores, the mouths of the skin, the full strength of each ingredient, thus insuring quickest action and greatest power in \* \* \* pain, reducing swelling, relieving congestion, destroying inflammation and removing the cause of the trouble. \* \* \* a remedy for inflammation and congestion of the nose, throat, and air passages, a treatment for many skin troubles and for the relief of aches, pains and strains of muscles and nerves. Wag's Salve has proved its power as a modern method of administering medicine through the skin. Wag's Salve not only penetrates (is absorbed by) the skin, \* \* \* This double use guards against \* \* \* new ailments while getting rid of the old. \* \* \* Asthma. Relief may be had through Wag's Salve. \* \* \* Before an attack comes \* \* \* Boils \* \* \* Bronchitis \* \* \* Coughs and Night Coughing \* \* \* Croup. When the child is croupy or hoarse at bed time put Wag's Salve up each nostril and rub it thoroughly into neck, throat, chest, \* \* \* Earache \* \* \* Eczema \* \* \* Wag's Salve \* \* \* will relieve the itching and irritation \* \* \* you can get rid of eczema in this way. Fever Leg (Ulcers and old sores) \* \* \* If the sores are open and raw \* \* \* pack with a thick layer of Wag's Salve \* \* \* Goitre \* \* \* rub the swelling and the whole neck \* \* \* with Wag's Salve. \* \* \* relieves the \* \* \* pain \* \* \* under this treatment the goitre has gone away entirely. \* \* \* Hoarseness \* \* \* Hayfever. \* \* \* Infected Gums. Pyorrhoea, bleeding, receding, sore gums. \* \* \* Influenza \* \* \* Wag's Salve is beneficial in the treatment of coughs, \* \* \* hoarseness, sore throat, and all such ailments which precede Influenza. La Grippe \* \* \* Lumbago \* \* \* Neuralgia \* \* \* Nerves (Tired, tingling, or twitching) \* \* \* rub in Wag's Salve. Your Nerves will soon be soothed and rested. Pneumonia. \* \* \* Piles. \* \* \* Poison Oak. \* \* \* Rheumatism. \* \* \* Sores. New or old sores, scabs, running sores, \* \* \* Sore Throat. \* \* \* Sore Joints. \* \* \* Sore Feet. \* \* \* Tonsilitis. \* \* \* Toothache. \* \* \* If tooth is decayed, clean it out and pack with Wag's Salve. \* \* \* For abscesses, rub \* \* \* Ulcers. \* \* \* Whooping Cough. \* \* \* Wag's Salve reduces violent coughing, makes breathing free and easy and saves the child's strength \* \* \* Distemper \* \* \* Pleurisy, Pneumonia. \* \* \* Roup," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 28, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16560. Misbranding of Quin-Lax. U. S. v. 6 Boxes of Quin-Lax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23578. I. S. No. 03427. S. No. 1762.)**

On April 18, 1929, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 boxes of Quin-Lax, remaining in the original unbroken packages at Wachapreague, Va., alleging that the article had been shipped by James Baily & Son, Baltimore, Md., on or about February 13, 1929, and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, cinchonine, aloin, and cornstarch.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "For \* \* \* La Grippe," and the statement in the circular, "For Coughs," regarding the curative and therapeutic effect of the said article were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 28, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16561. Adulteration and misbranding of Nutriol. U. S. v. 8 Bottles of Nutriol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23625. I. S. No. 05843. S. No. 1851.)**

On April 20, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 bottles of Nutriol, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Boss & Seiffert Co. (Inc.), from Providence, R. I., on or about March 27, 1929, and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium, iron, manganese, potassium, sodium, and phosphorus compounds, quinine, strychnine, extracts of wild cherry, a trace of fish oil, glycerin, alcohol, sugar, and water.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Extract of Cod Liver Oil."

Misbranding was alleged for the reason that the statements "Extract of Cod Liver Oil" and "Uses—Instead of Cod Liver Oil," borne on the label, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label) "Uses \* \* \* as a \* \* \* general rebuilding tonic in defective Nerve Nutrition, Phthisis, Chronic Coughs, Exhaustion, Dyspepsia, and in all wasting diseases," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16562. Misbranding of W. H. Y. U. S. v. 20 cases of W. H. Y. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23795. I. S. No. 07154. S. No. 1998.)**

On June 5, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of W. H. Y., remaining in the original unbroken packages at Philadelphia, Pa., consigned by R. O. Kendall, Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about May 13, 1929, and transported from the State of California into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.



Analysis of a sample of the article by this department showed that it consisted essentially of water-soluble constituents of caramelized cereals.

It was alleged in the libel that the article was misbranded in that the statement in stencil on the shipping cases, "Rich in Vitamins," and the statements on the carton label, "Super Food \* \* \* is the concentrated vital essence of Figs, Raisins, Peanuts, Walnuts, Barley, Wheat and Celery \* \* \* it is a wonderfully balanced food—supplies nature's essential requirements enabling the body to take care of itself \* \* \* Balanced \* \* \* Food, Approved by the U. S. Pure Food Commission, Rich in Vitamins," and the statements on the bottle label, "Balanced \* \* \* Food \* \* \* For Infants Contains the Vital Elements of Figs, Raisins, Peanuts, Walnuts, Barley, Wheat and Celery, \* \* \* Rich in Vitamins, Complies with Pure Food Laws," were false and misleading. Misbranding was alleged for the further reason that the following statements on the carton label and in the yellow circular accompanying the article regarding the curative and therapeutic effects of the said article, "Aids digestion, assimilation and elimination \* \* \* A health sustaining food \* \* \* for \* \* \* infants \* \* \* Keeps Old Age Away \* \* \* The Cup of Life W. H. Y. Feeds your Nerves \* \* \* Feeds Your Glands \* \* \* Gives You Strength \* \* \* Clears the skin and gives that coveted healthy complexion \* \* \* the cup of life," (circular) "Health \* \* \* Breakfast. For one doing heavy work," were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On July 16, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16563. Misbranding of Pulmonol. U. S. v. 9 Bottles of Pulmonol. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23421. I. S. No. 04124. S. No. 1567.)

On February 15, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 9 bottles of Pulmonol, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Pulmonol Corporation, from Herkimer, N. Y., on or about January 30, 1929, and transported from the State of New York into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of potassium guaiacol sulphonate (3.2 per cent), sodium benzoate (1.42 per cent), hydrochloric acid (0.07 per cent), nux vomica extract, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (bottle label) "Pulmonol \* \* \* Used in the treatment of \* \* \* coughs, grippe, Influenza and all Pulmonary Troubles. \* \* \* For severe \* \* \* bronchitis, influenza and tonsilitis take one teaspoonful in half glass of water every two hours until relieved, then two teaspoonfuls in half glass of water after each meal and on retiring. For Coughs, put Pulmonol on loaf of sugar and take as required to allay the cough. In convalescence and as a tonic, two teaspoonfuls in half glass of water after meals and on retiring. \* \* \* The Pulmonol Corporation," (carton) "Pulmonol \* \* \* All forms of Coughs, Bronchitis, Chronic and Acute Colds, General Run Down Condition, Nervous Indigestion, Weak Lungs and other pulmonary troubles. Uequalified as a Tonic following Influenza, Grippe, Pneumonia," (booklet) "Pulmonol \* \* \* The Pulmonol Corporation \* \* \* Pulmonol is a time tested remedy for all forms and conditions of pulmonary troubles and minor affections which lead to such. Chief among them being \* \* \* Coughs, Influenza, Grippe, Etc. Also used with success in the treatment of run down condition of the body due to the imperfect assimilation of foods. Pulmonol is prepared after the prescription of Dr. A. V. Payne who evolved this remedy after many years of specializing on throat and lung troubles. \* \* \* Conditions for which Pulmonol is Especially Recommended \* \* \* Coughs, Bronchitis, Loss of Flesh and All Wasting Diseases. The majority of diseases of the throat and lungs originate directly from a so-called cold, and at first symptoms of such a condition treatment with Pulmonol should begin—and the trouble



will be quickly relieved. Influenza with its various complications which always follow, responds at once to Pulmonol and so aids nature to restore the health to normal. A little cough is always a danger signal that should be heeded. It is nature's way of informing you to Stop—Look. Don't let a cough develop when Pulmonol will go to the seat of the trouble and relieve it. \* \* \* News came of a friend who had recovered her health by taking Pulmonol. \* \* \* I am now in perfect health. \* \* \* The Use of Pulmonol as a System Tonic. Practically every run-down condition of the system, loss of appetite, loss of weight and that tired out feeling are due entirely to a diseased condition of the membranes of the digestive organs. Pulmonol by its action restores these membranes to their natural condition—increases the appetite and builds rich red blood. As it contains no stimulants this effect is lasting and permanent. Pulmonol eliminates the cause. In every case where there is a need for tonic action Pulmonol is the one remedy that is guaranteed to give results without any bad after effects. Especially after fevers or a prolonged illness the effects of Pulmonol is immediate and gratifying. \* \* \* A bank official \* \* \* had a rising temperature every afternoon \* \* \* upon examination of the lungs, found that the apex of the right lung was affected \* \* \* took Pulmonol upon my recommendation and has now been in better health than he has been for a long while, attending to his duties every day, and is very well indeed \* \* \* Pulmonol for \* \* \* Grippe \* \* \* Grippe—the word that signifies chills, fever and that ache-all-over feeling, not only responds at once to the action of Pulmonol, but further developments of a serious nature are quickly checked. \* \* \* For five months I have had a deep seated and persistent cough that so sapped my vitality that it seemed at times that I should have to give up my school duties. Before I had taken one bottle of Pulmonol, I knew I was going to get rid of the cause, and when the second bottle of medicine was finished not a trace of the cough remained and I Know That I Am Cured. \* \* \* Pulmonol for Bronchial Troubles Husky voice, loss of voice, \* \* \* are generally the first indications of trouble in the bronchial organs. Although these conditions suggest nothing serious it may mean the beginning of one of the most fatal diseases known if not promptly checked. Pulmonol is an ideal preparation for these conditions. \* \* \* Healing to the inflamed bronchial tubes, and entirely eliminating the causes. At the same time Pulmonol tones up the entire system and thus prevents the ailment from making inroads, from which serious troubles might develop. \* \* \* He took Pulmonol sixteen weeks after he returned and his appetite improved wonderfully—gained in strength—cough stopped. He returned to work and is now in perfect health and weighs 180 pounds. \* \* \* Pulmonol in Wasting Diseases. The one vital underlying cause of all wasting diseases, loss of weight and poor appetite, is deranged digestion which prevents the food from being properly assimilated, food not assimilated is waste—from which the body can receive no nourishment. \* \* \* As soon as this takes place the appetite increases and nutrition increases. And best of all the results are lasting. \* \* \* Our little boy had pneumonia. After the acute attack he gradually grew worse, until he was nothing but skin and bones—had to be wheeled in a chair—no appetite—coughing and raising pus. We simply tried the Pulmonol treatment through sheer desperation and not from any idea of it's curing him. For nearly six years he has attended school and is now in good health. \* \* \* Pulmonol as a Preventive. The old adage of 'An ounce of Prevention is worth a pound of Cure,' is perhaps nowhere more exemplified than by having a bottle of Pulmonol in the house ready for the first symptoms. \* \* \* With Pulmonol handy a few doses will \* \* \* prevent further trouble. Pulmonol is also valuable as a nasal spray or gargle for infected throats, and in its action is very thorough. \* \* \* obtain a bottle of Pulmonol—have it ready to check the ailment that may start tomorrow. \* \* \* I believe Pulmonol to be a wonderful medicine for coughs. \* \* \* bronchial troubles and run down conditions, and I do not hesitate to recommend it for all cases of pulmonary trouble. I believe in Pulmonol and that it will do for humanity all that you claim for it," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16564. Adulteration and misbranding of Catarrex. U. S. v. 14 Dozen Bottles of Catarrex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23566. I. S. No. 02138. S. No. 1781.)**

On or about April 9, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 dozen bottles of Catarrex at San Juan, P. R., alleging that the article was being sold and offered for sale at San Juan, in Porto Rico, by Cie de la Marque Confiant, Luie Carraton, owner, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, phosphates, menthol, extract of wild cherry, cholesterol, tar, malt sugar, alcohol, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following professed standard, "One of its \* \* \* components is Gaduol (extract of cod liver oil)," whereas, in truth and in fact, the strength of the said article fell below said standard.

Misbranding was alleged for the reason that the following statements appearing on the carton label, "One of its \* \* \* components is Gaduol (extract of cod liver oil), Gaduol represents those active substances of the cod liver oil that are extracted with alcohol, and which permits its administration without the greasy and disagreeable substances of the oil," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label, translated from Spanish) "Catarrex-Tonic," (carton label, translated from Spanish) "Catarrex—Tonic \* \* \* useful during \* \* \* first periods of the inflammatory diseases of the respiratory organs such as catarrhs, bronchitis, cough, grippe, hoarseness, asthma \* \* \* influenza, whooping cough, laryngitis. \* \* \* indicated \* \* \* during \* \* \* first periods of the inflammatory and catarrhal diseases of the respiratory tract. Take Catarrex against obstinate coughs, \* \* \* grippe. Catarrex is Tonic \* \* \* for the respiratory disorders which require a reconstituent medication. \* \* \* Tuberculosis is not cured with medicaments only. The best remedies against tuberculosis are: 1. Rest; 2. Pure Air; 3. Sound and varied alimentation. Do not neglect yourself if you are suffering from catarrh, cough, grippe or cold. Immediately start taking Catarrex," (circular, translated from Spanish) "Catarrex. Most efficacious against cough. Action of Catarrex—No matter the origin of the coughs, they should be treated in the following way: \* \* \* Loosen the mucous and phlegm that obstruct the respiratory tract until they are completely eliminated. \* \* \* Soothe the irritated places of the throat and bronchi until cured. \* \* \* Catarrex affords all these actions \* \* \* because it contains \* \* \* reconstituents; \* \* \* physicians \* \* \* recommend it \* \* \* in cases of obstinate coughs. \* \* \* The \* \* \* sanative effect of Catarrex is due to its reconstituent \* \* \* ingredients \* \* \* Indications \* \* \* Troublesome coughs: \* \* \* Catarrex aids the bronchies to free them from \* \* \* microbes \* \* \* Asthma: \* \* \* immediate use of Catarrex at the beginning of an attack of asthma \* \* \* affords alleviation \* \* \* its sedative action will help to diminish the severity and frequency of the attacks, and many a time even to eliminate them completely. Bronchitis:—Catarrex promptly alleviates acute and chronic bronchitis \* \* \* valuable \* \* \* chronic bronchitis of aged persons. Coughs of Influenza, Pneumonia and Pulmonary Diseases:—Catarrex \* \* \* alleviates the spasmodic coughs that weaken the patient \* \* \* Catarrex reduces the offensive smell of the sputum in the putrefactive conditions of pulmonary affections. Catarrh, Laryngitis and Chronic Cough:—Catarrex \* \* \* for the catarrhal conditions of the respiratory tract. Combats with success the dry and harsh coughs that trouble so much. \* \* \* Catarrex \* \* \* maintains \* \* \* the respiratory tract in a clear and natural condition \* \* \* Catarrhs With Cough \* \* \* Protection Against Catarrhs:—When feeling the menace of a catarrh, check the danger with a tablespoonful of Catarrex," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16565. Misbranding of tablets *Bacillus bulgaricus*. U. S. v. 16 Boxes of Tablets *Bacillus Bulgaricus*. Default decree of destruction entered. (F. & D. No. 23249. I. S. No. 013019. S. No. 1365.)**

On December 15, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 boxes of tablets *Bacillus bulgaricus*, remaining unsold in the original boxes at Louisville, Ky., consigned by Fairchild Bros. & Foster, from New York, N. Y. (on or about November 17, 1928), alleging that the article had been shipped in interstate commerce from New York, N. Y., into the State of Kentucky, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Tablet of the *Bacillus Bulgaricus*, Contains the true *Bacillus bulgaricus* \* \* \* conserved in a stable form. \* \* \* It is rigidly standardized, potency guaranteed for the time stamped upon the label."

Analyses of samples of the articles by this department showed that the tablets contained not more than 600 viable organisms per tablet, the majority of which were contaminating organisms.

It was alleged in the libel that the article was misbranded in violation of the said food and drugs act as amended in that the boxes or labels bore and contained false and misleading statements.

On April 5, 1929, no claimant having appeared, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**16566. Misbranding of Salicon. U. S. v. 6 Dozen Packages, et al., of Salicon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23356. I. S. Nos. 02592, 02593, 02594. S. No. 1502.)**

On February 5, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen packages, 100-tablet size, 2 gross packages, 30-tablet size, and 5 gross packages, 12-tablet size, of Salicon, remaining in the original unbroken packages at Portland, Me., consigned by the K. A. Hughes Co., from Boston, Mass., alleging that the article had been shipped from Boston, Mass., on or about February 1, 1929, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained acetylsalicylic acid (3.8 grains per tablet), phenolphthalein, and calcium and magnesium carbonates.

It was alleged in the libel that the article was misbranded in that the following statements regarding the said article were false and misleading: (Carton and bottle labels) "Does not affect the heart, does not upset the stomach;" (circular) "Salicon will not affect the heart, will not upset the stomach \* \* \* It can be used freely and fearlessly. \* \* \* Salicon does not affect the heart \* \* \* Salicon also is a germicide. It passes into the circulating blood and sterilizes it sufficiently to render it an unfavorable medium for germs;" (coupons accompanying 100-tablet size and 30-tablet size) "Undoubtedly you have friends \* \* \* who have been in the habit of seeking relief from dangerous heart-depressing or stomach-deranging drugs." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, (cartons of 100-tablet size and 12-tablet size) "For \* \* \* Influenza, Rheumatism, Neuralgia, Neuritis, Sciatica, Lumbago, etc. \* \* \* For Headache, Backache, Earache, Periodic and other Pains," (bottle labels, 100-tablet and 30-tablet size) "For Headache, Backache, Periodic and other pains. Two tablets every hour until relieved. Usually four tablets sufficient. For \* \* \* Influenza, Grippe, Rheumatism, Neuralgia, Neuritis, Sciatica, etc. Two tablets an hour until relieved. Four tablets usually enough in light cases. From ten up to twenty-four tablets in twenty-four hours in severe cases," (carton, 30-tablet size) "For Headache, Toothache, Backache, Earache, \* \* \* Influenza, Rheumatism, Neuralgia, Neuritis, Sciatica, Lumbago, etc.," (bottle label, 12-tablet size) "For Headache, \* \* \* Periodic and other pains. Two tablets every hour until relieved. Usually four tablets sufficient. For \* \* \* Influenza, Grippe,



Rheumatism, Neuralgia, \* \* \* Sciatica, etc. Two tablets an hour until relieved. Usually four tablets sufficient. For \* \* \* Influenza, Grippe, Rheumatism, Neuralgia, \* \* \* Sciatica, etc. Two tablets an hour until relieved. Four tablets usually enough in light cases. From ten to twenty-four tablets in twenty-four hours in severe cases," (circular, all three sizes) "It will stop pain. Salicon soothes and quiets the nerves \* \* \* It is a new way and an immensely better way. It does this very differently from those remedies that contain acetanilid or other heart-depressing drugs. \* \* \* For Headache, Earache, Toothache, Backache, Periodic and other Pains. \* \* \* Take two more tablets one hour later. Doses may be repeated if necessary but it is seldom necessary. When tired or Fatigued. Two Salicon tablets will make you feel better. \* \* \* frequently are useful when one is obliged to keep going for the time being. For Insomnia. \* \* \* The quieting action on the nerves usually results in a night's sound sleep. For Neuralgia, Neuritis, Sciatica, Rheumatism, Lumbago and Gout. \* \* \* Some people make the mistake of stopping Salicon as soon as the pain disappears, not realizing that if its use is continued it will overcome the disease. Salicon also is a germicide. It passes into the circulating blood and sterilizes it sufficiently to render it an unfavorable medium for germs. \* \* \* For \* \* \* Grippe, Influenza and Pneumonia. \* \* \* During the 'flu' epidemic in 1918 the Medical Officers in charge of the Massachusetts State Camps found that from 20 to 24 tablets would overcome the Influenza in the average case. In pneumonia, of course, more tablets are required but the treatment of this disease should always be under the direction of a physician. Until he comes, however, two or three tablets an hour is the correct dose. For Tonsillitis, Laryngitis and other Throat Troubles. \* \* \* Allowing a tablet to dissolve on the tongue is frequently recommended for relieving a loose, persistent cough which sometimes follows a cold," (coupon, 100-tablet size and 30-tablet size) "Undoubtedly you have friends who suffer from headaches, rheumatism, neuralgia \* \* \* etc. \* \* \* If you will mail this coupon to us \* \* \* we will send each of them \* \* \* a liberal sample of Salicon tablets," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 28, 1929, the K. A. Hughes Co., Boston, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the claimant empty the product from the containers into unlabeled boxes or remove entirely and destroy the bottle labels and destroy the labelings, circulars, brandings, cartons, and all printed matter accompanying or used in connection with the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16567. Misbranding of Thoxine cold tablets. U. S. v. 48 Packages of Thoxine Cold Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23473. I. S. No. 01713. S. No. 1607.)

On February 27, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 packages of Thoxine cold tablets, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Reese Chemical Co., Cleveland, Ohio, on or about November 19, 1928, and transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained a laxative plant drug, a pungent principle such as capsicum, calcium carbonate, and a sulphate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labeling, were false and fraudulent: (Carton) "Grippe;" (circular) "Two tablets every 3 or 4 hours \* \* \* twice daily until all symptoms of the \* \* \* grippe are gone. This will help to bring the system back to normal in the shortest possible time \* \* \* for \* \* \* LaGrippe \* \* \* Sure—Speedy."

On June 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16568. Misbranding of Dr. Hilton's specific No. 3. U. S. v. 11 Dozen Packages of Dr. Hilton's Specific No. 3. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23393. I. S. No. 02591. S. No. 1543.)**

On February 14, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Dr. Hilton's specific No. 3, remaining in the original unbroken packages at Portland, Me., consigned by G. W. Hilton's Specifics (Inc.), Lowell, Mass., alleging that the article had been shipped from Lowell, Mass., on or about January 24, 1929, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sugar pellets containing traces of alkaloid, arsenic, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (label and carton) "For the relief of \* \* \* Coughs, Hoarseness, Grippe and Bronchitis," (circular) "Always keep a bottle of Dr. Hilton's No. 3 handy, \* \* \* so that \* \* \* you may Ward off \* \* \* and relieve that Cough, Grippe and Bronchitis \* \* \* Influenza. How to Guard Against It. \* \* \* Influenza, as it was called in the seventeenth century, now known as the Grip—is an inflammation of some part of the delicate mucous membrane which lines the respiratory tract. \* \* \* The ears, eyes, throat, head, lungs, either or all—may feel and show the symptoms. Whether it be called \* \* \* Catarrh, Earache, Sore Throat, Laryngitis, Tonsilitis, Influenza—the Grip—or any other of the many different names given to these and similar affections, the cause in every case is the same \* \* \* (Preventatives—Keep your hands clean—scald your table ware—keep out of the sick room—breathe fresh air—avoid crowds.) Always carry a bottle of Dr. Hilton's Specific No. 3 and on the first indication of a cold take six of the pellets, and repeat dose every hour for 3 or 4 hours—then every 2 hours until relieved," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16569. Misbranding of Amex. U. S. v. 36 Packages of Amex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23512. I. S. No. 05829. S. No. 1709.)**

On March 11, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 packages of Amex, remaining in the original unbroken packages at Portland, Me., consigned by the Craig-Grandell Mfg. Co. (Inc.), Whitefield, N. H., alleging that the article had been shipped from Whitefield, N. H., on or about January 4, 1929, and transported from the State of New Hampshire into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing volatile oils including winter-green and peppermint oils, menthol, and myrrh.

It was alleged in the libel that the article was misbranded in that certain statements hereinafter set forth regarding the curative and therapeutic effects of the said article, (jar label) "For internal and external inflammation \* \* \* Coughs \* \* \* Bronchitis, Tonsilitis, Sore Throat and Croup. \* \* \* Aching Feet \* \* \* Lame Knees \* \* \* Piles \* \* \* Eczema, Salt Rheum and Erysipelas \* \* \* Rheumatism \* \* \* Prostate Glands and Cross Nerves," (circular) "For internal and external inflammation \* \* \* ingredients \* \* \* readily relieve inflammation. \* \* \* Amex \* \* \*



has been found specifically reliable. \* \* \* remarkable results obtained with Amex \* \* \* influenza, grippe, coughs, croup, whooping cough, bronchitis, tonsilitis, laryngitis, hoarseness, sore throat, throat infection, septic throat, neuralgia, pleurisy, pneumonia, \* \* \* hay fever, catarrh, asthma, \* \* \* piles \* \* \* bunions, \* \* \* aching feet, lameness, sprains, lame knees, eczema, salt rheum \* \* \* swollen breast, hives, shingles, erysipelas, lame back, lumbago, cross-nerves, lame hips, rheumatism, prostate gland, inflammation of bladder, \* \* \* adenoids, polypi, abscesses, tumors, boils, carbuncles, goitres, varicose veins. How to treat glands on side of neck. For intestinal flu. How to treat head for head trouble. \* \* \* For caked and swollen breast \* \* \* For hives and shingles \* \* \* For erysipelas \* \* \* For lame back and lumbago \* \* \* For lame hips \* \* \* For cross-nerves \* \* \* like rheumatism \* \* \* For rheumatism \* \* \* for prostate gland \* \* \* Thorough treatment will bring relief in a few days even in severe cases. For Kidney Trouble \* \* \* For Adenoids and Polypi \* \* \* Abscesses \* \* \* For mastoid abscess \* \* \* For tumor:— For tumors on limbs, neck, face or head \* \* \* For boils and carbuncles:— Treat as for tumors. \* \* \* For goitres:— Massage \* \* \* with Amex \* \* \* until goitre is reduced. \* \* \* For varicose veins \* \* \* to treat glands on side of neck:— Use Amex \* \* \* If throat is sore, swab throat with Amex \* \* \* For intestinal flu \* \* \* For complication following throat infection and intestinal flu causing acute Brights Disease, use Amex \* \* \* How to treat head for head trouble,” were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16570. Misbranding of Rau's cold and pain tablets. U. S. v. 27 Bottles of Rau's Cold and Pain Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23442. S. No. 1661.)**

On February 25, 1929, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 bottles of Rau's cold and pain tablets, remaining in the original packages at Wheeling, W. Va., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., from St. Louis, Mo., on or about January 19, 1929, and transported from the State of Missouri into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetylsalicylic acid, acetphenetidin, and caffeine.

It was alleged in the libel that the article was misbranded in that the packages failed to bear a statement on the label of the quantity and proportion of acetphenetidin, a derivative of acetanilide contained therein, since the declaration was inconspicuous, and did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. The charge recommended by this department was that the declaration of acetphenetidin was inconspicuous. Misbranding was alleged for the further reason that the container bore the following statements, "Pain capsules to relieve \* \* \* grippe, to relieve pain take one or two capsules. Repeat if necessary in 30 minutes," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16571. Misbranding of Rx Winter cerate. U. S. v. 32 Jars of Rx Winter Cerate. Default decree of destruction entered. (F. & D. No. 23437. I. S. No. 0524. S. No. 1640.)**

On February 26, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-



demnation of 32 jars of Rx Winter cerate, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Irvine Chemical Co., from Idaho Falls, Idaho, on or about October 12, 1928, and transported from the State of Idaho into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing volatile oils.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic and curative effects of the said article, borne on the label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "Preventive in all forms of contagious diseases apply in nostrils and chest. \* \* \* Gives \* \* \* relief in cases of Nasal Catarrh, Hay Fever, Coughs, \* \* \* Croup, for \* \* \* Pneumonia, Influenza, Pain, Neuralgia, Rheumatism;" (carton) "For Hay Fever, Croup, \* \* \* Whooping Cough, Bronchitis, Pneumonia, Nasal Catarrh. Apply Locally. Apply Locally in nose and on chest \* \* \* for \* \* \* neuralgia, rheumatic pains, rub in well. \* \* \* For tight colds in chest pneumonia—put teaspoonful in bowl, pour boiling hot water upon it and inhale the steam;" (shipping carton) "For \* \* \* Hay-Fever, Croup, \* \* \* Whooping Cough, Bronchitis, Pneumonia, Nasal Catarrh \* \* \* For \* \* \* Neuralgia, Rheumatic Pains."

On May 25, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16572. Misbranding of Trent's tonic cold tablets. U. S. v. 2 Dozen Cartons of Trent's Tonic Cold Tablets. Default decree of destruction entered.** (F. & D. No. 23497. I. S. No. 0540. S. No. 1724.)

On March 6, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen cartons of Trent's tonic cold tablets, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Trent Laboratories, from Los Angeles, Calif., on or about February 26, 1925, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, camphor, and caffeine.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the labeling, were false and misleading: (Carton) "No ill after effects;" (circular) "Absolutely harmless. \* \* \* They will not hurt you. \* \* \* you can take two per hour for the first few hours. \* \* \* and no harm will result. You can continue taking them \* \* \* with positive assurance they will not harm you." \* \* \* Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For \* \* \* Influenza, LaGrippe, Hoarseness, Sore Throat, Earache, and Hay Fever;" (circular) "If it threatens to develop into Grip or Influenza continue to take the tablets until you feel perfectly well again. \* \* \* You can take two per hour for the first few hours to hasten results. \* \* \* Trent's Tonic Cold Tablets \* \* \* strengthen the bodily resistance. \* \* \* Trent's Tonic Cold Tablets build up your vitality right away. \* \* \* Trent's Tonic Cold Tablets offer wonderful relief in Hay Fever."

On June 27, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16573. Misbranding of laxative quinine tablets and Kroy Wen All Healing ointment. U. S. v. 17 Boxes of Laxative Quinine Tablets, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23565. I. S. Nos. 03100, 03661. S. No. 1784.)

On April 2, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district a libel praying seizure and condemnation of 17 boxes of laxative quinine tablets and 9 boxes of Kroy Wen All Healing ointment, remaining in the original unbroken packages at New Haven, Conn., alleging that the articles had been shipped by the Manhattan Drug Co., from Brooklyn, N. Y., on or about March 6, 1929, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the laxative quinine tablets contained acetanilide, cinchona alkaloids, camphor, podophyllum extract, capsicum, and gelsemium extract; and that the Kroy Wen All Healing ointment consisted essentially of phenol, zinc oxide, boric acid, sulphur, and a volatile oil incorporated in a mixture of wax and wool fat.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, (laxative quinine tablets, carton) "For LaGrippe, Coughs \* \* \* An efficient remedy for LaGrippe, Coughs \* \* \* Neuralgia, Acute Catarrh and Bronchitis. \* \* \* will \* \* \* arouse the liver and stimulate the system so as to overcome the infection. \* \* \* After relieved," (circular) "These Tablets \* \* \* will relieve La Grippe, Coughs \* \* \* Neuralgia, Acute Catarrh, or Bronchitis. \* \* \* These tablets will also arouse the liver and stimulate the system, so as to overcome and expel the infection. The best results will be obtained \* \* \* Take until the cough is relieved \* \* \* After the cough is relieved," (Kroy Wen All Healing ointment, carton) "A \* \* \* Healing Nutritive Emollient for wounds, fresh and old sores, \* \* \* bites, piles or hemorrhoids, ulcers, eczema, salt rheum, itch, ringworm, scald head and all skin diseases. An \* \* \* healing preparation, containing wonderful healing properties combined with \* \* \* healing base. \* \* \* All Healing Ointment," (label on cover of metal box) "All Healing Ointment. A \* \* \* healing, nutritive emollient for wounds, sores \* \* \* bites, piles, ulcers, eczema and all skin diseases. \* \* \* Apply freely to afflicted parts," (circular) "All Healing Ointment \* \* \* It carries the relieving, \* \* \* healing \* \* \* properties of the ointment all through the tissues where they are most needed. This Emmollient contains the Healing \* \* \* properties \* \* \* With a \* \* \* Healing Base. \* \* \* It \* \* \* heals and forms new healthy tissue, in Old Sores, Ulcers, Wounds and all offensive non-healing eruptive surface skin diseases accompanied by a discharge. It is a specific for Piles, Hemorrhoids, Eczema, Salt-rheum, Itch, Ringworm, Scald-head, Bites, \* \* \* all Skin Diseases \* \* \* It is \* \* \* healing remedy for Catarrh, \* \* \* Influenza, Hay fever, and all diseases of the Mucous Membrane of the Nasal Passages \* \* \* Apply freely to afflicted parts \* \* \* In the Treatment of Old Sores \* \* \* For the Treatment of Catarrh," were false and fraudulent in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On May 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16574. Misbranding of Neuro-Nerve powders. U. S. v. 11 Dozen Packages of Neuro-Nerve Powders. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23425. I. S. No. 03099. S. No. 1596.)**

On February 19, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Neuro-Nerve powders, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Neuro Chemical Co., West New Brighton, N. Y., on or about January 18, 1929, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powders contained acetylsalicylic acid, acetphenetidin, and caffeine.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (carton) "Neuro-Nerve Powders Will give prompt relief in obstinate





# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16576-16600

[Approved by the Secretary of Agriculture, Washington, D. C. January 29, 1930.]

**16576. Misbranding of Red Caps. U. S. v. 11 Dozen Packages of Red Caps. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23452. I. S. No. 05027. S. No. 1584.)**

On February 21, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Red Caps at Atchison, Kans., alleging that the article had been shipped by the Campbell Laboratories, from St. Joseph, Mo., on or about January 16, 1929, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained antipyrine, asafoetida, podophyllin, capsicum, starch, and a trace of alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic or curative effects of the said article, appearing on the carton and in the circular, (carton) "For \* \* \* Grip \* \* \* take one Red Cap every half hour until 3 are taken; then one every two hours until relieved. \* \* \* Red Caps are used as a preventative as well as a remedy for \* \* \* Grip \* \* \* the liver is toned up," (circular) "For \* \* \* Grip, also a preventative, if taken \* \* \* they act directly on the liver," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 19, 1929, the Campbell Laboratories, St. Joseph, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be rebranded.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16577. Misbranding of Bel-Caps. U. S. v. 7 Dozen Packages of Bel-Caps. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23398. I. S. No. 03590. S. No. 1527.)**

On February 16, 1929, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 dozen packages of Bel-Caps at Syracuse, N. Y., alleging that the article had been shipped by W. E. Shuit, Clifton, N. J., on or about January 9, 1929, and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained ammonium, iron, and calcium compounds, sulphates, carbonates, chlorides, bromides, camphor, aloin, small amounts of alkaloids, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of said article, (display carton) "For \* \* \* Grip and Influenza," (retail carton) "LaGrippe Capsules \* \* \* For Prompt relief of \* \* \* Influenza and LaGrippe \* \* \* Especially effective in the treatment of \* \* \* Influenza and LaGrippe," (bottle label) "LaGrippe Capsules for prompt relief of \* \* \* influenza, lagrippe," (circular in retail carton) "There's nothing better for \* \* \* LaGrippe or Influenza than Bel-Caps. They will relieve bronchial and catarrhal conditions. For breaking up \* \* \* lagrippe or influenza. \* \* \* one every three hours until all acute symptoms have disappeared. \* \* \* Very prompt relief will be obtained from the feverish conditions \* \* \* Relief Is Often Obtained So Quickly \* \* \* Per guarire \* \* \* il grippe ol' influenza [similar statements in other foreign languages]," (leaflet in display carton) "Bel Caps An Efficient Remedy Against Spread of Influenza. No one has yet figured up the annual losses suffered by American business through the ravages of influenza. It seems as if no one is immune against the 'Flu.' Every one connected with a business enterprise, and that includes most of the people of the United States, loses from one day to one month a year because of the disease. As a result, there is an annual loss which is estimated as running into billions of dollars. However, it appears that if proper remedies are applied, especially in the early stages of the attack, no one need lose even one day. For example, when the first signs of influenza reveal themselves, the prompt use of Bel-Caps, one of the best remedies yet offered to the public, will give satisfactory relief. It is beyond doubt the best proven protection against influenza which has ever come to our notice. The efficiency of Bel-Caps as a guard against the 'Flu' was first generally realized on a large scale during the frightful epidemic of 1918-1919. During that time, Bel-Caps gave adequate protection to thousands of people. It offered a remedy even to those suffering acute cases; while it gave hundreds of families absolute safety, where it was used regularly, night and morning, according to the simple directions that show its proper use. As a result of its wonderful service during the war-time epidemic, Bel Caps has gained a widespread prestige that makes its recommendation at this time, when another 'Flu' epidemic is raging, the best precaution we can take towards fighting the spread of the disease. Because it is so efficient, we recommend that every office have ready where it can be easily secured by every employee, a package of Bel Caps. \* \* \* Mr. Shuit spent some 25 years of research in perfecting his product, which has come to be accepted as the best and most valuable aid we have in our fight upon influenza," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 26, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16578. Misbranding of The Family Physician. U. S. v. 33 Large-Sized Bottles, et al., of The Family Physician. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23375. S. 1548.)**

On February 6, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 8½ dozen large-sized bottles and 10½ dozen small-sized bottles of The Family Physician, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Muth Bros. & Co., from Baltimore, Md., in part on or about January 11, 1929, and in part on or about January 22, 1929, and transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of senna, ethyl nitrite, sugar, alcohol, and water, flavored with anise oil and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the Labeling, (bottle label) "Coughs, \* \* \* Sore

Throats \* \* \* Indigestion," (carton) "For the treatment of Coughs \* \* \* Sore Throat \* \* \* Indigestion," (circular, testimonials) "Nine or ten years ago, when Baltimore was suffering from a great epidemic of 'The Flu' I used 'The Family Physician' for three of my children who contracted the disease, and had wonderful results, and in an incredibly short time. \* \* \* I therefore made up my mind to use 'The Family Physician' and started in at once. After three or four days, during which period they were quite ill, I found that the children had improved so much that it was not necessary to call in the family doctor \* \* \* I have taken it for \* \* \* sore throat, coughs and \* \* \* I also gave it to my children when threatened with measles with good results and have been relieved several times by using such preparation. \* \* \* When the kiddies had \* \* \* sore throats, fever and other children's diseases \* \* \* I gave them The Family Physician always, with good results. \* \* \* I have been suffering with my stomach and with acute indigestion for the last year. About five months ago I began taking just a tablespoonful of Family Physician every night. I have no more trouble of any kind, not even a headache. My husband has gastric ulcer, \* \* \* I begged him to try Family Physician. He did, and the last four months has been in better health than he has had for years. My son, 19 years old, takes your medicine for \* \* \* sore throat and headache. \* \* \* Best for sore Throats and Coughs \* \* \* I think Family Physician is the best medicine made for \* \* \* sore throats. \* \* \* we never called a doctor for \* \* \* sore throats \* \* \* We used only Family Physician medicine. \* \* \* we children had a sore throat and a croupy cough, my mother would \* \* \* heat The Family Physician and give it to us, and in the morning we would feel lots better. \* \* \* It not only relieves \* \* \* sore throat but also sweetens the stomach. \* \* \* One night my baby had a terrible convulsion which the doctor claimed was caused from his stomach. \* \* \* The next day I purchased a bottle and have been using it ever since. Now the only doctor I need is The Family Physician Medicine when my children start losing their appetites, have \* \* \* rising temperatures. A dose once or twice a week will prevent these ailments \* \* \* for fever it will surely break it if taken as directed, and for a cough \* \* \* also. \* \* \* I was in an awful way with hemorrhoids [hemorrhoids]. \* \* \* I can truthfully say I have not felt any trouble with them since I took your wonderful medicine. \* \* \* The Family Physician Medicine is a wonderful preserver of health. \* \* \* It is great for sore throats and coughs. After the first dose, either teaspoonful or tablespoonful, you can feel that hacking, piercing feeling disappearing. \* \* \* I have taken it for \* \* \* constipation, measles, and raised ten children without a doctor and have been relieved every time by using such a preparation \* \* \* My little boy had the worst cough \* \* \* a doctor, who examined him thoroughly \* \* \* said his lungs were very weak. \* \* \* thanks to the Family Physician Medicine, \* \* \* the first bottle stopped the cough. He could sleep all night without coughing and he began to grow and take on more flesh and a good color in his face and now looks and feels fine. \* \* \* I find a little taken on and off during the day checks a cough. \* \* \* My husband and I also take it for \* \* \* coughs \* \* \* users claim the Family Physician to be the most useful family medicine yet produced for many ills in all seasons of the year. \* \* \* Few Sick If Given Trial \* \* \* No Serious Development from Colds \* \* \* I have taken it for coughs, sore throats and as a blood purifier, \* \* \* and have been relieved by such preparation. \* \* \* For Coughs, \* \* \* I have used The Family Physician medicine for \* \* \* coughs \* \* \* indigestion," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 10, 1929, the Houchens Medicine Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$25, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16579. Adulteration and alleged misbranding of Halanum. U. S. v. 17 Bottles of Halanum. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23334. I. S. No. 05064. S. No. 1451.)**

On January 21, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 bottles of Halanum at Chicago, Ill., alleging that the article had been shipped by the Radium Research Foundation from Los Angeles, Calif., April 9, 1928, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (1.8 per cent) and water. It contained no radium and was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold in that it was sold under the following standard, (bottle label) "Contains 200 millimicrograms of Non-equilibrated Elemental Radium (RA) per litre \* \* \* Chemist's Certificate—The contents are certified to conform to my formula, containing 200 millimicrograms of non-equilibrated elemental radium (RA) per litre in solution," which standard represented that each litre of the article contained 200 millimicrograms of nonequilibrated elemental radium, whereas the said article failed to contain radium.

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the container and in the folder accompanying the article, (folder) "In Halanum the Alpha particle of Radium that is released in the blood stream, carries with it a loosely held atom of oxygen which oxygenizes the blood and at the same time oxidizes the tissue waste and thereby detoxicates the cells of the body. The Alpha particle being carried in the blood stream activates the gland cells by re-establishing the balance between the acid nucleus and the alkaline cytoplasm of the cells. Halanum raises the oxygen carrying power of the blood through its peculiar predilection for embryonic cells and thoroughly stimulating the bone marrow and other blood making tissues. \* \* \* By the increase of the Metabolic rate as shown by basal metabolism tests. Also the increased output of Urea and Uric Acid salts in the urine and the increase in the Calcium output as in the case of Arterio Sclerosis, Arthritis, etc. Then again in the almost immediate increase in erythrocytes. Also by the rapid decrease in the symptoms of any general Toxicosis. \* \* \* Halanum. \* \* \* What does the name mean? The name comes from the Saxon for Health. \* \* \* What is the effect of Halanum on the ductless glands? It seems to be peculiarly an activator of the gland structure throughout the body, both by the direct action of the Alpha particles stimulating the gland structure, and by its oxygenizing properties. The gland tissues appropriate only what they can use—just to a point of saturation and no more. Therefore, overdosage cannot produce over-functioning and that is why the weaker glands are the ones most activated first. In pluri-glandular conditions it has been demonstrated that the weaker or most badly affected glands respond first until equality is established. The action is one of equilibration from then on. \* \* \* Because of it being an oxygenizer and a gland tissue builder its range of usefulness is necessarily very broad. It has been found to be particularly useful in diseases involving the ductless glands such as Goitre, Impotency, Frigidity, Prostatic diseases. Halanum is probably the greatest Aphrodisiac known for both the male and the female. Due to its Oxygenization and Oxidization, it has been very beneficial in such diseases as Rickets, Colonic Stasis, Colitis and in all Bronchial disturbances. In Gastric Ulcers it has had a very specific action having a general stimulating and sterilizing effect. In Arthritis, Rheumatism, and Arterio Sclerosis, it is especially beneficial because of its ability by oxidization to produce soluble Calcium Oxide out of the insoluble Calcium Carbonate that is deposited in these diseases, enabling it to be expelled from the body, as can be demonstrated in the Urine. As a douche, in the proportions of four drams to the quart, it probably has no equal in conditions of the Vaginal Mucosa and the endometrium. Halanum, full strength, is recommended as an external application whenever a non-poisonous sterilizing agent is indicated; as a gargle, wash or spray in diseased conditions of the mouth, throat and nose, and as a deodorant. \* \* \* on account of the great variety of diseases that have responded, we feel that

its full limit of usefulness has not been defined as yet by the physicians who prescribe it. \* \* \* In severe cases the dosage is increased to as high as four drams every three hours until a slight feeling of vertigo is produced, which denotes saturation \* \* \* It will be noticed in cases of Toxemia or Auto-Intoxication that about the third day there is a reaction suggesting an increase of the symptoms which usually lasts one or two days, then subsides. \* \* \* It is desired to draw the special attention of physicians to the fact that Halanum is not indicated in cases of Malignancy except in conjunction with the use of Armstrong's Oxy catalyst," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned upon the cartons and in the circulars contained in the said cartons. Misbranding was alleged for the further reason that the strength of the article fell below the professed standard under which it was sold in that it was sold under the following standard, (bottle label) "Halanum contains 200 milli micrograms of Non-equilibrated Elemental Radium (RA) per litre. \* \* \* Chemist's Certificate—The contents are certified to conform to my formula, containing 200 milli micrograms of non-equilibrated elemental radium (RA) per litre in solution," (folder) "Halanum is a standard Radium preparation, \* \* \* Halanum contains a non-equilibrated Radium salt, \* \* \* Halanum is a saline Uranium Radium solution in which the radium expresses only electro positive active particles. \* \* \* As its chemical formula indicates, it is a solution containing Radium energy. It is the result of a process discovered by Robt. A. Armstrong in his tireless research in the field of radium and the possibilities for extending the use of radium as a curative agent. Has Halanum any harmful effects due to its Radium content? No. That is the unique feature of Armstrong's discovery. Pure elemental radium, as you commonly know it, contains the Alpha and Beta particles and the Gamma ray. The Alpha is the curative or the activating particle. The Alpha particle has a low penetrating power, and is about seventeen times the size of the Hydrogen atom, while the Beta particle is only 1/170 the size of the Hydrogen atom. The Gamma ray is the result of the explosion of the Beta particle, which gives rise to a disturbed condition of the ether. The Gamma ray is the one of tremendous penetration, it being capable of penetrating 17 feet of steel and only losing 40 per cent of its energy. The problem was to separate and utilize the Alpha particle. After exhaustive research, Mr. Armstrong has succeeded in doing this. So now, Halanum in its concentrated form, as presented to Physicians, is truly a Non-Equilibrated Radium Solution. In Halanum, the Alpha particle of Radium that is released in the blood stream, carries with it a loosely held atom of oxygen which oxygenizes the blood and at the same time oxidizes the tissue waste and thereby detoxicates the cells of the body. The Alpha particle being carried in the blood stream activates the gland cells by re-establishing the balance between the acid nucleus and the alkaline cytoplasm of the cells. Halanum raises the oxygen carrying power of the blood through its peculiar predilection for embryonic cells and thoroughly stimulating the bone marrow and other blood making tissues. How long will Halanum keep? Its life is the life of Radium—2,500 years. How can the action of Halanum in the human body be scientifically demonstrated? By the increase of the Metabolic rate as shown by basal metabolism tests. Also the increased output of Urea and Uric Acid salts in the urine and the increase in the Calcium output \* \* \* Is Radium taken internally beneficial? Yes. In the form in which it appears in Halanum, a non-equilibrated solution containing only the Alpha particles. It is well understood by Physicians that it would not be advisable to take a pure Radium salt into the human body. The burning and penetration of the Beta particle and the Gamma ray are too destructive. Only in a non-equilibrated solution containing the Alpha particle may Radium energy be introduced directly into the human system with perfect safety and positive benefit. \* \* \* Halanum, full strength, is recommended as an external application whenever a non-poisonous sterilizing agent is indicated," which standard represents that each liter of the article contained 200 millimicrograms of non-equilibrated elemental radium, whereas, in truth and in fact, the said article failed to contain radium.



On or about April 30, 1929, no claimant having appeared for the property, a decree was entered by the court ordering that the product be condemned and forfeited as adulterated and that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16580. Misbranding of Numoss. U. S. v. 47 Dozen Bottles of Numoss. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23443. I. S. No. 03289. S. No. 1613.)**

On February 21, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 dozen bottles of Numoss at Atlantic City, N. J., alleging that the article had been shipped by the C. R. Products Co., New York, N. Y., on or about October 25, 1928, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of ammonium chloride, creosote, and Irish moss, flavored with oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, (bottle label) "For \* \* \* Bronchial Coughs \* \* \* Acute & Chronic Bronchitis, Spasmodic Croup, Bronchial Asthma, Whooping Cough and All Influenza and Tubercular Conditions," (carton) "For \* \* \* Bronchial Coughs \* \* \* Indicated in all conditions of \* \* \* Cough, Acute & Chronic, Bronchitis, Bronchial Asthma, Spasmodic Coughs, Whooping Cough and similar diseases of the respiratory organs. Especially recommended in Tubercular and Influenza Conditions," (display carton) "For \* \* \* Bronchial Coughs," were false and fraudulent in that the article contained no ingred ent or combination of ingredients capable of producing the effects claimed.

On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16581. Misbranding of Fernet de Vecchi. U. S. v. 14 Bottles, et al., of Fernet de Vecchi. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17496, 17498. S. Nos. E-4382, E-4383.)**

On May 7, 1923, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 157 bottles of Fernet de Vecchi, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by the Banfi Co., New York, N. Y., in part on or about February 2, 1923, and in part on or about April 4, 1923, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol, water, a trace of an iron compound, extracts from plant drugs including a laxative drug, and small amounts of alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label and circular) "Digestive \* \* \* antifebrile \* \* \* anticholeraic \* \* \* recommended for people suffering from irritable nerves, lack of appetite, nausea, worms;" (circular) "Has the property of curing biliousness, giddiness and bad digestion."

On July 22, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16582. Misbranding of Hogan's Old Reliable cough syrup. U. S. v. 18 Dozen Bottles of Hogan's Old Reliable Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23509. I. S. No. 03290. S. No. 1614.)**

On March 12, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District



Court of the United States for said district a libel praying seizure and condemnation of 18 dozen bottles of Hogan's Old Reliable cough syrup, remaining in the original unbroken packages at Atlantic City, N. J., alleging that the article had been shipped by Hogan's Old Reliable Cough Drops (Inc.), Brooklyn, N. Y., on or about January 19, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, capsicum, chloroform, extracts of plant drugs including glycyrrhiza, squill, wild cherry, and senega, alcohol, sugar, and water, flavored with oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (bottle label) "For Coughs \* \* \* Croup, Influenza, Hoarseness, Bronchitis, Asthma and affections of the Lungs," (carton) "For Coughs \* \* \* Hoarseness, Croup, Asthma, Difficulty of Breathing, and all affections of the Bronchial Tubes, Leading to Consumption \* \* \* Stop That Cough Before It Stops You," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16583. Misbranding of Schieffelin cold and gripe tablets. U. S. v. 20 Packages of Schieffelin Cold & Gripe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23551. I. S. No. 03732. S. No. 1727.)**

On March 22, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 packages of Schieffelin cold and gripe tablets at Newark, N. J., alleging that the article had been shipped by Schieffelin & Co., New York, N. Y., on or about January 9, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of the sample of the article by this department showed that the tablets contained acetanilide, cinchona alkaloids, capsicum, camphor, aloin, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (carton) "Gripe tablets \* \* \* Relieve Catarrhal Discomforts \* \* \* for the relief of \* \* \* Acute Catarrh of the Nose, Throat and Bronchial Tubes," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16584. Misbranding of Higüerol. U. S. v. 20 Dozen Bottles of Higüerol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22730. I. S. No. 20739-x. S. No. 767.)**

On May 4, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 dozen bottles of Higüerol at San Juan, P. R., alleging that the article was in possession of the Drug Co. of Porto Rico, San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of terpin hydrate, sodium benzoate, tolu, potassium guaiacol sulphionate, codeine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combina-

tion of ingredients capable of producing the effects claimed: (Carton and bottle label) "Highly recommended for the treatment of Tuberculosis, Asthma, Grippe, Whooping Cough, Pneumonia, Bronchitis, Laryngitis and other catarrhal affections \* \* \* For Adults, in acute cases a teaspoonful every 2 hours, and in chronic cases a tablespoonful every 6 hours or three tablespoonfuls a day. For Children the maximum should be three or four teaspoonfuls a day. This dose should be diminished according to age;" (circular) "Sirof for Respiratory and Pulmonary Affections. In the treatment of Bronchitis, Laringitis, Cough, Catarrh, Tisis, Whooping Cough, Hemotisis and all respiratory and pulmonary affections, excellent results are obtained with the use of \* \* \* This syrup possesses in a high degree analgesic, balsamic and eliminative properties in case of disnea; solving the inflammation of the mucosas. Higüerol is superior to other similar agents and its action is always rapid and uniform. If you are in need of a remedy for the above mentioned cases using Higüerol you will save time and money. Directions for Use. For Adults: in acute cases." Misbranding was alleged for the further reason that the following statements were false and misleading: (Carton) "Higüerol. Balsamic Syrup from Higüera;" (circular) "Higüerol. This product is made with the fresh juice of White Higüera (Crescencia Cujete, de Linneo) whose excellent properties we all know when administered in the above mentioned cases."

On September 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16585. Misbranding of Higüerol. U. S. v. 10 Dozen Bottles of Higüerol. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 22740. I. S. No. 20740-x. S. No. 768.)

On May 4, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen bottles of Higüerol at San Juan, P. R., alleging that the article was in possession of Serra, Garabis & Co., San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of terpin hydrate, sodium benzoate, tolu, potassium guaiacol sulphionate, codeine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Highly recommended for the treatment of Tuberculosis, Asthma, Grippe, Whooping-Cough, Pneumonia, Bronchitis, Laryngitis, and other catarrhal affections \* \* \* For adults, in acute cases a teaspoonful every 2 hours, and in chronic cases a tablespoonful every 6 hours or three tablespoonfuls a day. For children the maximum should be three or four teaspoonfuls a day. This dose should be diminished according to age;" (circular) "Sirof for Respiratory and Pulmonary Affections. In the treatment of Bronchitis, Laringitis, Cough, Catarrh, Tisis, Whooping Cough, Hemotisis, and all respiratory and pulmonary affections, excellent results are obtained with the use of \* \* \* This syrup possesses in a high degree analgesic, balsamic and eliminative properties in case of disnea; solving the inflammation of the mucosas. Higüerol is superior to other similar agents and its action is always rapid and uniform. If you are in need of a remedy for the above-mentioned cases using Higüerol you will save time and money. Directions for Use. For adults: in acute cases." Misbranding was alleged for the further reason that the following statements were false and misleading: (Carton) "Higüerol. Balsamic Syrup from Higüera;" (circular) "Higüerol. This product is made with the fresh juice of White Higüera (Crescencia cujete, de Linneo) whose excellent properties we all know when administered in the above-mentioned cases."

On September 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16586. Adulteration and misbranding of Crane's laxative quinine cold tablets. U. S. v. 66 Boxes of Crane's Laxative Quinine Cold Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23503. I. S. No. 04605. S. No. 1681.)

On March 8, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 66 boxes of Crane's laxative quinine cold tablets, remaining in the original unbroken packages at Oshkosh, Wis., alleging that the article had been shipped by the Crane Medicine Co., Chicago, Ill., on or about January 23, 1929, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that each of the tablets contained acetanilide (0.8 grain), quinine and cinchonine salts, and a laxative plant drug.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Each tablet contains one grain acetanilide."

Misbranding was alleged for the reason that the statement on the carton, "Each tablet contains one grain acetanilide," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilide contained therein, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statement regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For \* \* \* LaGrippe \* \* \* feverish condition;" (circular) "For checking and breaking up \* \* \* LaGrippe \* \* \* feverish condition."

On June 21, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16587. Misbranding of Gasidal. U. S. v. 12 Bottles of Gasidal. Consent decree of condemnation. Product released under bond.** (F. & D. No. 23456. I. S. No. 05029. S. No. 1673.)

On February 21, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 bottles of Gasidal at Atchison, Kans., alleging that the article had been shipped by the Gasidal Co., from Kansas City, Mo., in December, 1928, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, magnesium carbonate, bismuth subnitrate, and starch, flavored with peppermint.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic or curative effects of the article, appearing on the labels of the bottles, "An \* \* \* digestant a positive relief for all forms of gastro-intestinal disturbances. A specifically useful treatment in gastro-intestinal disturbances due to gastric and duodenal ulcers, gall bladder disease, chronic appendicitis, ether anesthesia gastric neurosis, various types pelvic infections in women, nausea during pregnancy," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 11, 1929, D. J. Sullivan, Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of the decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or offered for sale in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16588. Adulteration of chloroform. U. S. v. 3825 Quarter-Pound Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16398. S. Nos. E-3959, E-3961.)

On June 20, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the



District Court of the United States for said district a libel praying seizure and condemnation of 3,825 quarter-pound tins of chloroform, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped from Philadelphia, Pa., in various consignments, on or about January 5, 12, 13, 14, and 21, 1922, respectively, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

Analyses of samples of the article by this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained impurities decomposable by sulphuric acid, and chlorinated decomposition products.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation.

On August 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16589. Misbranding of 999 nerve tonic and Prescription 999. U. S. v. 23 Packages of 999 Nerve Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22731. I. S. Nos. 25118-x, 25119-x. S. No. 598.)**

On May 3, 1928, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 packages of 999 nerve tonic and 8 packages of Prescription 999 at Oklahoma City, Okla., alleging that the articles had been shipped by the Combination Remedy Co., Pittsburgh, Pa., in part on or about August 22, 1927, and in part on or about October 24, 1927, and transported from the State of Pennsylvania into the State of Oklahoma, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Prescription 999 consisted of gelatin capsules containing nutmeg, santal, and cubeb volatile oils, copaiba, and a fatty oil; and the 999 nerve tonic consisted of capsules containing zinc phosphide, calcium sulphate, and extracts of nuxvomica and damiana.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Prescription 999, box label) "Recommended for kidney and bladder disorders. This Medicine is a combination of Oil, Sandalwood Oil, Cubebs, Copaiba and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended \* \* \* after all signs of the disease have disappeared;" (999 nerve tonic, box label) "Nerve Tonic. The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (display carton) "999 Nerve Tonic Means Pep, Vim, Vigor. 999 Nerve Tonic is a high class remedy for anyone with that tired, rundown feeling. It is especially suited for those cases where the person doesn't have the pep they think they should have."

On November 14, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16590. Misbranding of Goodwin's Cold Breakers. U. S. v. 17½ Dozen Packages of Goodwin's Cold Breakers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23424. I. S. No. 03489. S. No. 1623.)**

On February 25, 1929, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17½ dozen packages of Goodwin's Cold Breakers, remaining in the original packages at Wheeling, W. Va., alleging that the article had been shipped by the Senoret Chemical Co., from St. Louis, Mo., on or about December 24, 1928, and transported from the State of Missouri into the State

of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, aloin, strychnine, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the statements upon the containers (carton) "For \* \* \* LaGrippe and Neuralgia. \* \* \* [German and other foreign languages] Against \* \* \* grippe, neuralgia," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the label, (circular) "For \* \* \* LaGrippe, take (1) tablet every hour until four (4) are taken, then one (1) every four (4) hours until relieved. \* \* \* For \* \* \* Neuralgia, take two (2) tablets, and repeat in one (1) hour if necessary \* \* \* [German and other foreign languages] Against \* \* \* an attack of grippe an adult should take one tablet every hour until four have been taken, then one tablet every four hours until improvement is noted," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

The charge recommended by this department was that the above-quoted statements from the carton container and circular were false and fraudulent.

On May 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16591. Misbranding of Ammonol tablets and Ammonol powder. U. S. v. 450 Bottles of Ammonol Tablets, et al. Consent decrees entered. Products released under bond. (F. & D. No. 23558. I. S. Nos. 01717, 01718. S. No. 1710.)**

On March 25, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 450 bottles of Ammonol tablets and 50 bottles of Ammonol powder at Cleveland, Ohio, alleging that the articles had been shipped by the Ammonol Chemical Co., New York, N. Y., in part on or about December 14, 1928, and in part on or about January 18, 1929, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Ammonol tablets contained acetphenetidin, acetanilide, ammonium carbonate, sugar, and a trace of arsenic; and the Ammonol powder consisted essentially of acetphenetidin, acetanilide, and ammonium carbonate.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles were false and fraudulent in that they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and wrapper labels) "For \* \* \* the induction of Sleep, Neuralgia \* \* \* La Grippe, Fevers, Rheumatism, Lumbago, Dysmenorrhea, Indigestion, \* \* \* Neuritis, etc.;" (circular) "Recommended in Dysmenorrhoea, Amenorrhoea, \* \* \* Rheumatism, Sciatica, Lumbago, Influenza, Alcoholism, Hay Fever, Typhoid Fever, Dental Diseases, etc."

On May 7, 1929, the Ammonol Chemical Co., New York, N. Y., claimant, having admitted the allegations of the libels and having consented that orders be entered in conformance with the prayers thereof, decrees were entered ordering that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$400, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16592. Misbranding of Kalis' laxative Flu-Caps. U. S. v. 89½ Dozen Packages of Kalis Laxative Flu-Caps. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23367. I. S. No. 08388. S. No. 1521.)**

On February 5, 1929, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 89½ dozen packages of Kalis' laxative Flu-Caps, remain-



ing in the original unbroken packages at Burlington, Iowa, alleging that the article had been shipped by Murray C. Kalis & Co., St. Joseph, Mo., January 7, 1929, and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained capsicum, ginger, aloin, acetanilide, asafoetida, camphor, magnesium sulphate, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of said article, appearing in the label, (carton container) "Flu-Caps for \* \* \* Grip and Influenza \* \* \* A strictly meritorious remedy for \* \* \* Bilious Fever, Dengue, Chills, Malaria, LaGrip, and 'Flu.' \* \* \* Directions: To \* \* \* check the 'flu,' take one capsule with a glassful of water two hours apart until three consecutive doses are taken; then one capsule every three or four hours until entirely rid of cold. To relieve Headache, Neuralgia, Aching Bones, or to Reduce Fever, take one capsule every two hours until relieved. \* \* \* Kalis' Laxative 'Flu-Caps.' Had their origin during the 'flu' epidemic of 1918 and have proven of inestimable value in combating \* \* \* LaGrip, Bilious Fever, Aching Bones, Chills, Fever, Malaria and as a preventative against the 'flu' and Pneumonia. They act directly on the liver and bowels, ridding the system of its impurities and fortifying the body against further attack from \* \* \* Grip," (circular) "An Ounce of Prevention Is Worth a Pound of Cure," \* \* \* 'Flu-Caps' will \* \* \* Prevent the 'Flu.' These Capsules had their origin during the 'flu' epidemic of 1918 and have proven of inestimable value in combating \* \* \* LaGrippe, Bilious Fever, Malaria, Chills, Influenza and Pneumonia. They act directly on the liver \* \* \* ridding the system of its impurities and fortifying the body against further attack from \* \* \* grippe and 'flu.' Directions: To \* \* \* check the 'flu,' take one capsule with a glass full of water one or two hours apart until three consecutive doses are taken; then one capsule every three or four hours until entirely rid of the cold. To relieve headache, neuralgia, aching bones, or to reduce fever, take one capsule every two hours until relieved. \* \* \* The First Dose Will Ease Your Cough," were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On April 16, 1929, Murray C. Kalis & Co., St. Joseph, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to conform with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16593. Misbranding of Kidder's cold and grippe tablets. U. S. v. 29 Boxes of Kidder's Cold and Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23431. I. S. No. 03648. S. No. 1563.)**

On February 20, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 boxes of Kidder's cold and grippe tablets, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Samuel Kidder & Co., Boston, Mass., on or about December 17, 1928, and transported from the State of Massachusetts into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetphenetidin, salol, caffeine, and citric acid.

It was alleged in the libel that the article was misbranded in that it contained, among other ingredients, a certain quantity of phenacetin, a derivative of acetanilide, and the label of the article failed to bear a statement that phenacetin is a derivative of acetanilide and failed to bear a statement of the quantity or proportion of phenacetin contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (carton) "Grippe Tablets \* \* \* For best results use promptly," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.



On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16594. Misbranding of Stout's cold tablets. U. S. v. 6 Dozen Packages of Stout's Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23433. I. S. No. 03490. S. No. 1630.)**

On February 25, 1929, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen packages of Stout's cold tablets, remaining in the original packages at Parkersburg, W. Va., alleging that the article had been shipped by D. C. Leo & Co., from Des Moines, Iowa, on or about January 2, 1929, and transported from the State of Iowa into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, alkaloids of nux vomica, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the statement made upon the container thereof, to wit, "For the treatment of \* \* \* La Grippe," was false and misleading. Misbranding was alleged in the libel for the further reason that the following statements, (circular, translation from the German) "In order to be relieved from an attack of influenza (grippe) one takes a tablet every four hours and one before going to bed [similar expressions in other foreign languages]," were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

The charge recommended by this department was that the above-quoted statements from the carton container and circular were false and fraudulent.

On May 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16595. Misbranding of Bu Ku Jin elixir. U. S. v. 16 Dozen Bottles of Bu Ku Jin Elixir. Default decree of destruction entered. (F. & D. No. 22794. I. S. No. 17926-x. S. No. 831.)**

On May 29, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 dozen bottles of Bu Ku Jin elixir, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Tonkin Distributing Co., from San Francisco, Calif., on or about May 1, 1928, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol, sugar, and water with traces of flavoring oils and extractives from plant drugs including buchu.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3 as amended, under drugs, in that the labels bore the statements regarding the curative and therapeutic effects, to wit, (bottle label) "An Effective Diuretic in Kidney and Bladder Disorders," (shipping carton) "Bu Ku Jin Elixir for Kidney and Bladder Disorders," whereas the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 20, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16596. Misbranding of Lee's Save the Baby. U. S. v. 1 Gross Packages of Lee's Save the Baby. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23815. I. S. No. 03735. S. No. 1939.)**

On June 4, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation

of 1 gross packages of Lee's Save the Baby, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Wm. W. Lee & Co., from Troy, N. Y., on or about April 19, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of lard containing oil of origanum, oil of rosemary, camphor, Canada balsam, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the carton and bottle labels and in the accompanying circular, regarding the curative and therapeutic effects of said articles, (front bottle label) "Save the Baby," (back bottle label) "For Croup apply with the hand or \* \* \* by saturating \* \* \* cloth and laying it over the throat and chest; also apply over the nose. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. For snuffles apply over the nose. For sore throat apply on the throat; also take one-half a teaspoonful internally. For coughs \* \* \* apply on the chest, also take one teaspoonful morning and night. For ague in breast, apply to the parts affected," (carton, small) "Save the Baby \* \* \* Croup Mixture \* \* \* For Croup, Snuffles \* \* \* Coughs and Sore Throat \* \* \* used in cases of Grippe, Bronchitis, Laryngitis, Tonsilitis, Pneumonia, etc.," (carton, large) "Save the Baby. For Croup, Coughs, \* \* \* etc.," (circular) "Save the Baby \* \* \* for Croup \* \* \* Coughs, Tonsilitis, Bronchitis, Snuffles, Sore Throat and similar ailments. \* \* \* What Mother or Father has not been alarmed when awakened in the night by the childish cry of pain and the dread sound of croup, or who of us has not shuddered when whooping cough, pneumonia or a hard cold has racked our children with pain and coughing spasms. It was because of a child's suffering that 'Save the Baby' came into being \* \* \* a wee girl lay seriously sick with croup. \* \* \* he administered a remedy of his own compounding \* \* \* found \* \* \* child completely out of danger. This physician prescribed the remedy \* \* \* in other cases, always with gratifying results. \* \* \* 'Save the Baby,' for by that name it had come to be known. \* \* \* 'Save the Baby' for use in \* \* \* croup, 'snuffles,' tonsilitis, bronchitis, sore throat and all similar ailments in children and adults. \* \* \* Use It \* \* \* The results will be beneficial. For Adults—'Save the Baby' works \* \* \* relief given in coughs, bronchitis, pneumonia and other congested conditions of the head, throat or lungs \* \* \* 'Save the Baby' \* \* \* effective when used Hot. For Croup: \* \* \* saturate it with hot 'Save the Baby' and lay over throat and chest or rub the remedy in with the hand. Also apply over nose and back. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. \* \* \* For Snuffles: Apply over nose and sniff a little into nostrils. For Coughs: \* \* \* Apply on chest and throat; also take one teaspoonful morning and night. Influenza, Grippe and Pneumonia: \* \* \* use 'Save the Baby' \* \* \* saturate it with hot 'Save the Baby' and lay over chest and back, or rub the hot remedy in by hand. In severe cases give a half teaspoonful internally every half hour. \* \* \* use 'Save the Baby' \* \* \* for Sore Throat and Tonsilitis: Apply on the throat and along the cord that runs from behind the ear down the neck; also take one half teaspoonful internally. Take from one half to one teaspoonful internally for all chest congestions and gathering of phlegm," were false and fraudulent in that the article contains no ingredient or combination of ingredients capable of producing the effect claimed.

On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16597. Misbranding of Cow Tone.** U. S. v. 8 Small Cans, et al., of Cow Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23536. I. S. No. 02731. S. No. 1763.)

On March 19, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 small cans, eight 25-pound boxes containing small cans, 2¾ dozen large cans, and eight 50-pound boxes containing large cans of Cow Tone at North Collins, N. Y., consigned by Our Husbands Manufacturing Co.,



Lyndonville, Vt., alleging that the article had been shipped from Lyndonville, Vt., in part April 14, 1928, and in part January 5, 1929, and transported from the State of Vermont into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (49 per cent), magnesium sulphate (45 per cent), sodium thiosulphate (5 per cent), potassium nitrate (1 per cent), and small amounts of nux vomica and fenugreek.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling (small and large cans) "Cow Tone the Milk Producer. \* \* \* Great Milk Producer \* \* \* Increases the milk \* \* \* Cow Tone, make them rugged, increase their milk production \* \* \* Cow Tone furnishes \* \* \* milk producing qualities available to them otherwise only when they are on green feed. \* \* \* milk producing cow is your profit. Cow Tone is a milk producer. We guarantee that Cow Tone is not adulterated or misbranded in accordance with the meaning of the Federal Food and Drug Act," (booklet, packed with 50-pound box) "Cow-Tone Milk Producer and Profit Maker \* \* \* Don't Expect Them When 'Off Feed' or 'Out of Condition' to Even Pay Their Keep. Put Them In The Pink of Condition. Make Them Rugged and Thrifty. \* \* \* Cow Tone will increase the flow of milk at any time \* \* \* If you have any cows that are not producing as much as you think they should for the amount of feed they are getting, do not be too hasty in trading them off at a loss. Give them Cow Tone and notice the difference. You will find that they will look better, feel better, freshen stronger and in better shape, and produce the extra milk that means profit to the owner. \* \* \* have been brought to their present pink of condition through the use of Cow Tone. \* \* \* obtains a maximum production of milk from his cows through the use of Cow Tone. Cow Tone, the Great Milk Producer," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (label of small and large cans) "Tends to keep your cows healthy and rugged. \* \* \* Tends to make your cows fit \* \* \* and to ward off diseases to which all cows are liable. \* \* \* has been used by dairymen throughout the country in keeping their cows well. \* \* \* Healthy," (booklet, packed with 50-pound box) "Give Them Vigor and Resistance to Disease And You Get Your Real Returns In Abundance of Milk. There Is No Profit In The Ailing, Unthrifty Cow. She Is A 'Boarder' Only—Who Does Not Pay Her Board. She Needs An Appetizer And Regulator To Put Her In Shape To Resist Disease And Become A Milk Producer and Profit Maker For You. \* \* \* Cow Tone is the most successful of all preparations on the market for the treatment of cow disorders. \* \* \* When a tablespoonful of this powder is carefully and thoroughly mixed in the grain it reaches the cows' stomachs and dissolves at just the right time and in just the right quantity to start the processes of digestion and gently assist elimination. As a tonic or regulator cows do not need more than a tablespoonful twice a day. Thin, impoverished cows, those off feed, and those diseased and in bad shape, should be given more until they are again in prime condition. \* \* \* a powder that contains the elements that every cow needs to digest and assimilate her feed, and carry off waste naturally, without dosing, and are confident that Cow Tone will keep cows \* \* \* Cow troubles \* \* \* In Winter a tablespoonful of Cow Tone, twice a day, will not only increase the flow of milk, but will correct derangements that if neglected cause trouble. \* \* \* Contagious Abortion \* \* \* A cow who has once been affected is thereafter usually immune from further attacks, but the ravages of the disease leave her weakened and run down, and it is only through convalescence and a final return to health and vigor after the disease has 'worn itself out' that the cow can again become profitable. During this period Cow Tone should be given regularly in accordance with directions. Thereby a better appetite will be induced, the vitality of the cow markedly improved and vigorous health restored. Such vigor and health are the necessary foundation of the dairy-men's prosperity. A listless, debilitated, sick or ailing cow gives but little milk and constitutes continuing loss of profits for its owner. \* \* \* We Cater To Cow Health \* \* \* Successful dairying calls for the use of safe, well tried, efficient remedies to prevent the losses caused by cows that are out of condition. There is need of something that will tone up the fading cow and increase her milk production," (leaflet, packed with 50-pound box) "O. H. Cow Tone is recommended to increase the productiveness of the cow, improve

the appetite and act as a general tonic on the digestive and reproductive organs. \* \* \* As a Preventive of milk fever and Retained Afterbirth. \* \* \* We Recommend O. H. Cow Tone, as a constitutional disinfectant and germicide. If you want clean, healthy milk, you must keep the inside as well as the outside of your cows clean," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 26, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16598. Misbranding of Capsulas de Henn. U. S. v. 46 Dozen Bottles of Capsulas de Henn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23620. I. S. No. 02143. S. No. 1803.)**

On April 19, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States of said district a libel praying seizure and condemnation of 46 dozen bottles of Capsulas de Henn at Ponce, P. R., alleging that the article was in possession of the Porto Rican American Drug Co. (Inc.), Ponce, P. R., and was being sold and offered for sale in Porto Rico, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained quinine sulphate, acetphenetidin, sodium benzoate, calcium phosphate, and caffeine.

It was alleged in the libel that the article was misbranded in that it contained acetphenetidin (phenacetin), a derivative of acetanilide, and the package failed to bear a statement that acetphenetidin (phenacetin) is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle and carton label in Spanish) "They Destroy Rapidly the Germs of the Grippe and All Infectious Diseases. Take 2 Capsules \* \* \* Until Completely Alleviated. The Symptoms of the Grippe. \* \* \* Chills and Pains in the Body Disappear in Half an Hour After Taking the First Dose," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 1, 1929, the Porto Rican American Drug Co. (Inc.), of Ponce, P. R., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$125, conditioned in part that it be properly relabeled as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16599. Misbranding of Pechodina de Henn. U. S. v. 26 Dozen Bottles of Pechodina de Henn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23564. I. S. No. 02144. S. No. 1777.)**

On April 9, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 dozen bottles of Pechodina de Henn at Ponce, P. R., alleging that the article was in possession of the Porto Rican American Drug Co. (Inc.), of Ponce, P. R., and was being offered for sale and sold in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained such ingredients as menthol, camphor, guaiacol, benzoates, a small amount of morphine, honey, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of opium contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (circular) "Pechodina de Henn. Real Panacea for the Chest. This \* \* \* preparation \* \* \* is destined to restore any bad conditions of the respiratory organs \* \* \* At their beginning is when we should treat all kinds of illness, especially to those of the chest should we apply this wonderful axiom. A simple untreated catarrh gives way to a greater and



permanent infection of the respiratory tract, and thence to tuberculosis, generally pulmonary or tracheal \* \* \* lives could be saved if in due time any attack of catarrh, grippe, bronchitis or any other morbid affection in our respiratory tract should be duly treated. The Pechodina de Henn is by its \* \* \* curative \* \* \* properties \* \* \* the ideal medicine for treating from their beginning, catarrh, grippe, whooping cough, asthma, bronchitis, likewise incipient tuberculosis. It is also useful in advanced cases of tuberculosis, which the action of an agent of positive value \* \* \* to the treatment of organic defense required by such disease," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 18, 1929, the Porto Rican American Drug Co. (Inc.), of Ponce, P. R., claimant, having admitted the allegations of the libel and having consented to entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$200, continued in part that it be properly relabeled as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16600. Misbranding of Klein's cold and grippe capsules. U. S. v. 5 Dozen Packages of Klein's Cold and Grippe Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23404. I. S. No. 03608. S. No. 1555.)**

On February 15, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of Klein's cold and grippe capsules, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Brewer & Co., Worcester, Mass., on or about December 24, 1928, and transported from the State of Massachusetts into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetanilide, cinchona alkaloids, phenolphthalein, aloin, sugar, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, (bottle) "Grippe Capsules \* \* \* One capsule every three hours until the ailment is relieved," (carton) "Grippe Capsules \* \* \* For La Grippe \* \* \* One capsule every three hours until the ailment is relieved \* \* \* Chills \* \* \* Malarial Troubles," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16601-16625

[Approved by the Secretary of Agriculture, Washington, D. C., March 6, 1930]

**16601. Misbranding of butter. U. S. v. 65 Cases of Print Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23889. I. S. Nos. 08965, 08966. S. No. 2047.)

On June 13, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65 cases of print butter at Cincinnati, Ohio, consigned by G. Herman, Napoleon, Ind., in part June 7, 1929, and in part June 11, 1929, alleging that the article had been shipped in interstate commerce from Napoleon, Ind., into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The individual prints were wrapped in parchment paper, labeled in part: "4 Oz. Net Weight."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraphs 2, 3, and 4, in that the wrappers enclosing the said butter bore and contained statements regarding the weight of the individual prints thereof which were false, since the said prints were found to be short weight.

On June 17, 1929, G. Herman, Napoleon, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be repacked to conform with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16602. Misbranding of olive oil. U. S. v. 3 Cases of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 22132. I. S. No. 21202-x. S. No. 182.)

On November 5, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases of olive oil, remaining in the original unbroken packages at Wilkes Barre, Pa., alleging that the article had been shipped by the Economi (Economu)-Ritsos Co. (Inc.), from New York, N. Y., on or about July 29, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contents 7½ Lbs. Net. Pure Olive Oil \* \* \* Family Brand Lucca Toscano, Italy, Packed and Imported by Economu Ritsos Company, New York," (wooden case) "This case contains 12-1 Gal. Tins."

It was alleged in substance in the libel that the article was misbranded in that the statement contained on the label of the wooden case, "This case contains 12-1 Gal. Tins," was false and misleading and deceived and misled the purchaser in that the product was short in volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Contents 7½ Lbs. Net" on the can label was by weight, whereas it should be by volume.

On June 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the statements of the quantity of the contents be obliterated from the can and case labels, and the product sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16603. Alleged misbranding of feed. U. S. v. Edward William Bailey, George Carter Bailey, and Lucius Dennison Taft (E. W. Bailey & Co.). Tried to a jury. Verdict of not guilty. (F. & D. No. 12293. I. S. No. 12740-r.)**

On July 8, 1920, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward William Bailey, George Carter Bailey, and Lucius Dennison Taft, copartners, trading as E. W. Bailey & Co., Montpelier, Vt., alleging shipment by said defendants, in violation of the food and drugs act, on or about March 15, 1919, from the State of Vermont into the State of Massachusetts, of a quantity of stock feed which was alleged to be misbranded. The article was labeled in part: "Pennant Brand Stock Feed Manufactured by E. W. Bailey & Co., Swanton, Vt. Guaranteed to Contain 10-12 per cent. Protein, 6½-8 per cent. Fat, 10 per cent. Maximum Fibre."

It was alleged in the information that the article was misbranded in that the following statements, to wit, "Guaranteed to Contain: 10-12 per cent. Protein, 6½-8 per cent. Fat, 10 per cent. Maximum Fibre," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article contained not less than 10 per cent of protein, not less than 6½ per cent of fat, and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, not less than 6½ per cent of fat, and not more than 10 per cent of fiber, whereas it contained less than 10 per cent of protein, less than 6½ per cent of fat, and more than 10 per cent of fiber.

On June 28, 1929, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the jury retired and, after due deliberation, returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16604. Adulteration of frozen eggs. U. S. v. 605 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23785. I. S. No. 03072. S. No. 1993.)**

On May 28, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 605 cans of frozen eggs at Pittsburgh, Pa., alleging that the article had been shipped by Armour & Co., from Duluth, Minn., on or about March 23, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 21, 1929, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$10,000, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16605. Misbranding of tankage. U. S. v. 400 Bags, et al., of Bon-O-Fat Tankage. Decrees of condemnation entered. Product released under bond.** (F. & D. Nos. 23135, 23136, 23137. I. S. Nos. 18935-x, 18937-x, 18938-x. S. Nos. 983, 984, 985.)

On or about June 13, 1929, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district libels praying seizure and condemnation of eight hundred 100-pound bags, and 20 tons of 100-pound bags of so-called Bon-O-Fat tankage, remaining in the unbroken packages in various lots at Clay Center, Cuba, and Cawker City, Kans., respectively, alleging that the article had been sold by the Pan American Feed Co., Kansas City, Mo., to various firms at Clay Center, Cuba, and Cawker City, Kans., and had been transported in interstate commerce from the State of Missouri into the State of Kansas, in various consignments, on or about May 3, May 8, and May 15, 1928, respectively, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was misbranded in that the label on the said bags was calculated to deceive and mislead the purchaser to believe that he was purchasing a product, to wit, tankage, which is a kind of flesh meal prepared from the refuse, meat, entrails, and other offal that accumulate in slaughterhouses where animals are slaughtered for food, whereas the product contained in said bags was not such tankage but was in whole or in part a product of a different nature, obtained from other sources and was not tankage as above defined.

On June 14, 1929, the Pan American Feed Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judgments were entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,500, conditioned in part that it be rebranded to show its true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16606. Adulteration and misbranding of mixed feed. U. S. v. 80 Bags of Mixed Feed. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22966. I. S. No. 02378. S. No. 1040.)

On August 8, 1928, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 80 bags of mixed feed at Winston-Salem, N. C., alleging that the article had been shipped by the Carolina Milling Co., from Dillon, S. C., on or about June 21, 1928, and transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "C. M. Horse and Mule Feed Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina, Guaranteed Analysis: Protein 10 per cent, Fat 2½ per cent."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and fat and containing excessive fiber, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statements "Guaranteed Analysis Protein 10 Per Cent, Fat 2½ Per Cent," which were false and misleading and deceived and misled the purchaser, since the product contained less protein and fat than so represented.

On October 29, 1928, the Carolina Milling Co., Dillon, S. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant to be relabeled and returned to the factory for remixing under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16607. Adulteration of walnut meats. U. S. v. 18 Cartons of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23659. I. S. No. 07349. S. No. 1899.)**

On April 27, 1929, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cartons of walnut meats, remaining in the original unbroken packages at Sheridan, Wyo., alleging that the article had been shipped by the California Walnut Growers Association, on or about January 21, 1929, and transported from the State of California into the State of Wyoming, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was composed in part of a filthy, decomposed, and putrid vegetable substance.

On May 28, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16608. Adulteration of tomato catsup. U. S. v. 796 Cartons of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23572. I. S. No. 03297. S. No. 1773.)**

On April 2, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 796 cartons of tomato catsup, remaining in the original unbroken packages at Philadelphia, Pa., consigned by W. M. Harris & Son Co., Wyoming, Del., alleging that the article had been shipped from Wyoming, Del., on or about December 6, 1928, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Harris Star Brand Hot Catsup \* \* \* Packed by W. M. Harris & Sons, Wyoming, Delaware."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, an analysis of a sample of the product showing that it contained mold.

On July 16, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16609. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23885. I. S. No. 02961. S. No. 2049.)**

On June 20, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Popejoy Creamery Co., from Popejoy, Iowa, on or before June 18, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 25, 1929, E. M. Guiney, Popejoy, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$300, or the execution of a bond in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16610. Adulteration and misbranding of wheat middlings. U. S. v. 200 Sacks of Wheat Middlings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23816. I. S. No. 0797. S. No. 2029.)**

On June 14, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of wheat middlings, remaining in the original unbroken packages at Leesport, Pa., consigned by the Victoria Elevator Co., Minneapolis, Minn., alleging that the article had been shipped from Buffalo, N. Y., on or about May 1, 1929, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Bellson Fancy Wheat Middlings Milled from pure re-cleaned wheat. Manufactured for Samuel Bell & Sons, Philadelphia, Penna. Guaranteed Analysis Protein not less than 14.50%, Fat not less than 3.00%."

It was alleged in the libel that the article was adulterated in that a substance, ground wheat products deficient in protein and fat, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Fancy Wheat Middlings" and the statement, "Guaranteed Analysis Protein not less than 14.50%, Fat not less than 3.00%," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 26, 1929, Harry F. Rieser, West Leesport, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16611. Adulteration of canned cherries. U. S. v. 22 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23116. I. S. No. 03141. S. No. 1210.)**

On October 3, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 cases of canned cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped by F. B. Huxley, from Ontario, N. Y., on or about July 26, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Huxson Brand Cherries \* \* \* Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in substance in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, contained worms and decayed cherries.

On June 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16612. Adulteration of canned cherries. U. S. v. 81 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23142. I. S. No. 03144. S. No. 1243.)**

On October 13, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 81 cases of canned cherries, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by F. B. Huxley & Son, from Ontario, N. Y., in various lots, on or about July 25, 1928, July 31, 1926 (1928), and August 6, 1928, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Huxson Brand Pitted Red Sour Cherries \* \* \* Packed by F. B. Huxley & Son, Ontario, N. Y."



It was alleged in substance in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, contained worms and decayed cherries.

On June 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16613. Adulteration of catsup. U. S. v. 15 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23837. I. S. No. 08042. S. No. 2045.)**

On June 27, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of catsup, remaining in the original unbroken packages at Chester, Pa., consigned by W. M. Harris & Sons, Wyoming, Del., alleging that the article had been shipped from Wyoming, Del., on or about May 28, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Harris' Star Brand Sweet Catsup \* \* \* Packed by W. M. Harris & Sons, Wyoming, Delaware."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, an examination of a sample of the article showing the presence of mold.

On July 16, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16614. Adulteration of walnut meats. U. S. v. 110 Boxes, et al., of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23772. I. S. Nos. 09711, 09712, 09713. S. No. 1960.)**

On or about May 20, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 110 boxes and 850 cartons of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Leon Mayer, from Los Angeles, Calif., in part November 9, 1928, and in part December 17, 1929 (1928), and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Special Standard Amber Shelled Walnuts." The remainder of the said article was labeled in part: "Special Standard Ambers Packed for Gray, McLean and Percy, Bakers Supply Dealers in California Walnuts Seattle, Wash. (or "Portland, Oregon")"

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 21, 1929, Gray, McLean & Percy, Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered. The decree provided, however, that the product might be delivered to the said claimant to be reconditioned in manner satisfactory to this department upon payment of costs and the deposit of \$2,000 collateral, to insure compliance with the terms of the said decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16615. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23884. I. S. No. 02965. S. No. 2051.)**

On June 21, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Marigold Dairies, from Faribault, Minn., on or before June 19, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to



reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 27, 1929, the Bryan-Duvall Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16616. Adulteration and misbranding of feed. U. S. v. The Deal Bros. Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 22601. I. S. Nos. 20378-x, 20379-x, 20380-x, 20381-x.)**

At the May, 1929, term of the United States District Court for the District of Maryland, held at Cumberland, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Deal Bros. Milling Co., a corporation, Cumberland, Md., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about December 31, 1927, January 12, February 27, and March 16, 1928, respectively, from the State of Maryland, in part into the State of West Virginia, and in part into the State of Virginia, of quantities of feed, a portion of which was misbranded, and the remainder of which was adulterated and misbranded. The article was labeled in part, variously: "Ho-Mo Dairy Feed Analysis Protein 24% Fat 7% Fibre 10% Ingredients Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Wheat Bran, Ground Oats, Corn Feed Meal, Salt. Manufactured by The Deal Bros. Milling Co. Cumberland, Md.;" "Jersey Brand Scratch Feed \* \* \* Analysis Protein 10% \* \* \* Manufactured By The Deal Bros. Milling Co. Cumberland, Md.;" "Jersey Dairy Feed 16% Analysis Protein 16% \* \* \* Fiber 12% Ingredients Wheat Bran, Ground Corn, Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Reground Oats, Feed, Salt. Manufactured By The Deal Bros. Milling Co. Cumberland, Md."

Adulteration was alleged in the information with respect to the Ho-Mo dairy feed for the reason that a product deficient in protein, fat, oil meal, wheat bran, and ground oats, and which contained excessive crude fiber, undeclared flax by-product, and oat mill by-product had been substituted for a product composed wholly of corn gluten feed, cottonseed meal, oil meal, wheat bran, ground oats, corn feed meal, and salt, which the article purported to be. Adulteration of the Jersey dairy feed was alleged for the reason that a product deficient in protein, wheat bran, and oil meal, and which contained excessive crude fiber and an undeclared flax by-product, with respect to a portion of the product, and a product deficient in protein, wheat bran, corn gluten feed, and oil meal, and which contained excessive crude fiber, with respect to the remainder of the said product, had been substituted for a product composed wholly of wheat bran, ground corn, corn gluten feed, cottonseed meal, oil meal, reground oats, feed, and salt, which the article purported to be.

Misbranding of the Ho-Mo dairy feed was alleged for the reason that the statements, to wit, "Ingredients Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Wheat Bran, Ground Oats, Corn Feed Meal, Salt," and "Analysis Protein 24% Fat 7% Fibre 10%," borne on the sacks containing the article, were false and misleading in that the said statements represented that the said article consisted wholly of corn gluten feed, cottonseed meal, oil meal, wheat bran, ground oats, corn feed meal, and salt, and contained not less than 24 per cent of protein, not less than 7 per cent of fat, and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of corn gluten feed, cottonseed meal, oil meal, wheat bran, ground oats, corn feed meal, and salt, and contained not less than 24 per cent of protein, not less than 7 per cent of fat, and not more than 10 per cent of fiber, whereas said article did not consist wholly of the said declared ingredients but did consist of a product deficient in oil meal, wheat bran, and ground oats, and which contained an excessive undeclared flax by-product and an excessive oat mill by-product, and which contained less than 24 per cent of protein, less than 7

per cent of fat, and more than 10 per cent of fiber, to wit, approximately 19.43 per cent of protein, approximately 4.12 per cent of fat, and 10.19 per cent of fiber. Misbranding of the Jersey brand scratch feed was alleged for the reason that the statement, to wit, "Analysis Protein 10%," borne on the sacks containing the article, was false and misleading in that the said statement represented that the article contained not less than 10 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, whereas it did contain less than 10 per cent of protein, to wit, approximately 9.2 per cent of protein. Misbranding of the said Jersey dairy feed was alleged for the reason that the statements, to wit, "Ingredients Wheat Bran, Ground Corn, Corn Gluten Feed, Cotton Seed Meal, Oil Meal, Reground Oats, Feed, Salt" and "Analysis Protein 16% \* \* \* Fiber 12%," borne on the sacks containing the article, were false and misleading in that the said statements represented that the article consisted wholly of wheat bran, ground corn, corn gluten feed, cottonseed meal, oil meal, reground oats, feed, and salt, and contained not less than 16 per cent of protein and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of wheat bran, ground corn, corn gluten feed, cottonseed meal, oil meal, reground oats, feed, and salt, and contained not less than 16 per cent of protein and not more than 12 per cent of fiber, whereas the said article did not consist wholly of the said declared ingredients, but a portion of said article consisted of a product deficient in wheat bran and oil meal and which contained an undeclared flax by-product and which contained less than 16 per cent of protein, to wit, approximately 13.99 per cent of protein, and which contained more than 12 per cent of fiber, to wit, approximately 14.09 per cent of fiber, and the remainder of said article consisted of a product deficient in wheat bran, corn gluten feed, and oil meal, which contained less than 16 per cent of protein, to wit, approximately 12.81 per cent of protein, and which contained more than 12 per cent of fiber, to wit, approximately 13.42 per cent of fiber.

On May 14, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16617. Adulteration and misbranding of olive oil. U. S. v. 34 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 23592, 23647. I. S. Nos. 013126, 03439, 03440. S. Nos. 1837, 1859.)

On April 6 and April 20, 1929, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7 gallon cans, 13 half-gallon cans, and 34 quart cans of olive oil, remaining in the original unbroken packages at Frostburg, Md., alleging that the article had been shipped by the Mesic Packing & Provision Co., from Clarksburg, W. Va., in part on or about December 4, 1928, and in part on or about January 2, 1929, and transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for olive oil.

Misbranding was alleged with respect to the quart cans of the article for the reason that the following statements and designs, borne on the label, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato Italia Brand \* \* \* Quest Olio Di Oliva Risulta Assolutamente Puro Sotto Analisi Chimica Unexcelled for Table or Medicinal Use (design of crown and coat of arms)" were false and misleading and deceived and misled the purchaser, and for the further reason that the article was falsely branded as to the country in which it was manufactured or produced, in that it purported to be a foreign product, when it was not a foreign product but was manufactured or produced in the United States. Misbranding was alleged with respect to the gallon and half-gallon cans of the article for the reason that the statements, designs, or devices, borne on the labels, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato (cut of crown, coat of arms, and olive branches) Italia Brand \* \* \* 1 Gal-



lon Net," and "½ Gallon Net," "Quest Olio di oliva Risulta Assolutamente Puro Sotto Analisi Chimica," "Unexcelled for Table or Medicinal Use," were false and misleading and deceived and misled the purchaser; for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and the statements made were not correct; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was offered for sale under the distinctive name of another article.

On June 11, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16618. Adulteration and misbranding of chocolate coatings. U. S. v. Runkel Bros. (Inc.). Plea of guilty. Fine, \$250.** (F. & D. No. 23709. I. S. Nos. 15803-x, 15804-x, 16334-x, 16359-x, 16364-x, 20073-x, 21450-x, 22024-x, 22025-x, 22027-x.

On May 6, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Runkel Bros. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, between the dates of October 20, 1927, and February 29, 1928, from the State of New York, in various lots into the States of Ohio, Maryland, Pennsylvania, Connecticut, and Colorado, respectively, of quantities of chocolate coatings, which were adulterated and misbranded. The articles were labeled, variously: (Packages) "1912 Bitter Covering;" "Runkel's Peary Chocolate Sweet 10 Lbs.;" "Runkel's Pet Milk Chocolate Sweet 10 Lbs.;" "Runkel's Yukon E. T. Chocolate Sweet 10 Lbs.;" "Runkel's None-Such Chocolate Sweet 10 Lbs.;" "Runkel's Duplex Chocolate Sweet 10 Lbs.;" and "Runkel's Starlight Chocolate Sweet, 10 Lbs."

It was alleged in the information that the articles were adulterated in that products other than bitter covering, chocolate sweet, or milk chocolate sweet, as the case might be, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the said articles, and had been substituted in part for bitter covering, chocolate sweet, or milk chocolate sweet, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Bitter Covering," "Chocolate Sweet," and "Milk Chocolate Sweet," borne on the respective labels, were false and misleading in that the said statements represented that the alleged bitter covering was bitter covering, and that the remainder of the said products consisted wholly of chocolate sweet, or milk chocolate sweet, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that a portion thereof was bitter covering and that the remainder thereof consisted wholly of chocolate sweet or milk chocolate sweet, whereas the said articles consisted in part of products other than bitter sweet, chocolate sweet, and milk chocolate sweet, respectively. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On June 10, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16619. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23886. I. S. No. 03909. S. No. 2059.)

On June 26, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the David Cole Creamery Co., Omaha, Nebr., alleging that the article had been shipped from Omaha, Nebr., on or about June 20, 1929, and transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted

wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 13, 1929, Frank Hellerick and Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16620. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23888. I. S. No. 08098. S. No. 2048.)**

On June 19, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Blue Ridge Creamery, Luray, Va., alleging that the article had been shipped from Luray, Va., on or about June 17, 1929, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On June 22, 1929, Crawford & Lehman (Inc.), Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16621. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23883. I. S. No. 08065. S. No. 2036.)**

On June 13, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Waynesboro Creamery, Waynesboro, Va., alleging that the article had been shipped from Waynesboro, Va., on or about June 11, 1929, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 24, 1929, Edson Bros., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum



of \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16622. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23890. I. S. No. 04097. S. No. 2030.)**

On June 12, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dougherty Cooperative Creamery, Dougherty, Iowa, on or about June 6, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 18, 1929, the Dougherty Cooperative Creamery, Dougherty, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bond in the sum of \$1,000, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16623. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23887. I. S. No. 08068. (S. No. 2037.)**

On June 13, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Mountain View Creamery Co., Purcellville, Va., alleging that the article had been shipped from Purcellville, Va., on or about June 11, 1929, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation or offered for sale under the distinctive name of another article.

On July 3, 1929, the H. R. Aiken Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16624. Adulteration and misbranding of vinegar. U. S. v. St. Louis Vinegar & Cider Co. Plea of nolo contendere. Fine, \$525 and costs. (F. & D. No. 22594. I. S. Nos. 19922-x, 19935-x, 19936-x, 19937-x, 19941-x, 19943-x, 25248-x, 25249-x, 25308-x, 25309-x.)**

On December 13, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the

St. Louis Vinegar & Cider Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments between June 8, 1927, and February 4, 1928, from the State of Missouri into the State of Illinois, of quantities of evaporated-apple vinegar, corn-sugar vinegar, and apple-cider vinegar which were adulterated and misbranded. The articles were labeled in part, variously: "Evaporated Apple Vinegar," "Corn Sugar Vinegar," "Fermented Corn Sugar Vinegar," and "Fermented Apple Cider Vinegar."

It was alleged in the information that the articles were adulterated in that mixtures of artificially colored distilled vinegar, with respect to portions of the articles, and mixtures of artificially colored distilled vinegar and water, deficient in acidity, with respect to a portion of the fermented corn-sugar vinegar and a portion of the evaporated-apple vinegar, had been mixed and packed with the articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, and apple-cider vinegar, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, and fermented apple-cider vinegar, as the case might be, and were colored so as to simulate the appearance of said products and in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Evaporated Apple Vinegar," "Corn Sugar Vinegar," "Fermented Corn Sugar Vinegar," "Fermented Apple Cider Vinegar," borne on the labels of respective portions of the products, were false and misleading in that the said statements represented that the articles were evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, or fermented apple-cider vinegar, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, or fermented apple-cider vinegar, whereas they were not, but were, in the case of portions of the products, mixtures composed in part of artificially colored distilled vinegar, and in the case of a portion of the corn-sugar vinegar and a portion of the evaporated-apple vinegar, mixtures composed in part of artificially colored distilled vinegar and water, deficient in acidity. Misbranding was alleged for the further reason that the articles were imitations and were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the fermented corn-sugar vinegar for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$525 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16625. Adulteration and misbranding of jelly. U. S. v. Goodwin Preserving Co. Plea of guilty. Fine, \$100. (F. & D. No. 23702. I. S. No. 17520-x.)**

On January 21, 1929, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Goodwin Preserving Co., a corporation, trading at Louisville, Ky., alleging shipment by said company, in violation of the food and drugs act, on or about September 13, 1927, from the State of Kentucky into the State of California, of a quantity of jelly, which was adulterated and misbranded. The article was labeled in part: "Goodwin's Best Red Currant Jelly \* \* \* Goodwin Preserving Co. Incorporated Louisville, Ky."

It was alleged in the information that the article was adulterated in that a currant-flavored, acidified pectin jelly had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for red-currant jelly which the said article purported to be.

Misbranding was alleged for the reason that the statement "Red Currant Jelly," borne on the label attached to the cans containing the article, was



false and misleading in that the said statement represented that the article consisted wholly of red-currant jelly, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of red-currant jelly, whereas it did not so consist, but did consist in part of currant-flavored, acidified-pectin jelly. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, red-currant jelly.

On January 21, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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## United States Department of Agriculture

### FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16626-16650

[Approved by the Secretary of Agriculture, Washington, D. C., March 6, 1930]

**16626. Adulteration and misbranding of butter. U. S. v. 50 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23929, 23936, 24021. I. S. Nos. 03516, 04062, 010660. S. Nos. 2096, 2114, 2153.)

On July 16, July 24, and July 31, 1929, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 158 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Wilder Creamery Co. (Inc.), from Wilder, Minn., in various consignments, on or about July 10, July 16, and July 18, 1929, respectively, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 29, July 30, and August 6, 1929, respectively, the Wilder Creamery Co. (Inc.), Wilder, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$4,700, conditioned in part that it be reworked and reprocessed to comply with the law. The claimant further agreed that the reconditioned product should contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16627. Adulteration and misbranding of butter. U. S. v. 42 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23932, 23937. I. S. Nos. 03517, 03704. S. Nos. 2071, 2097.)

On or about July 6 and July 16, 1929, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 91 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the South Shore Creamery Co., in part from Summit, S. Dak., and in part from South Shore, S. Dak., on or about June 20, 1929, and July 10, 1929, respectively, and transported from the State of South Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to

reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 19, 1929, the South Shore Creamery Co., South Shore, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and to recondition the product so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,700, conditioned in part that it be reworked and reprocessed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16628. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23934. I. S. No. 04043. S. No. 2072.)**

On July 5, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Charles City Creamery Co., from Charles City, Iowa, on or before June 25, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 10, 1929, the Charles City Creamery Co., Charles City, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16629. Adulteration and misbranding of canned oysters. U. S. v. 20 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23485. I. S. No. 05583. S. No. 1718.)**

On March 5, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of canned oysters, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about January 3, 1929, and transported from the State of South Carolina into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Oysters Crystal Bay Brand Contents 5 Oz. Net \* \* \* Shelmore Oyster Products Co."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the said article and had been mixed and packed with it so as to reduce and lower its quality and strength.

Misbranding was alleged for the reason that the statement on the label, "Contents 5 oz. Net," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16630. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter.** Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24018. I. S. No. 03712. S. No. 2112.)

On July 24, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Golden Star Creamery Co., Bennett, Iowa., on or about July 16, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 29, 1929, the Golden Star Creamery Association (Inc.), Bennett, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the law. The claimant further agreed that the reconditioned product contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16631. Adulteration of oranges. U. S. v. H. T. Montgomery Corp. (J. E. Montgomery (Inc.)). Plea of guilty. Fine, \$25.** (F. & D. No. 22549. I. S. Nos. 13966-x, 15301-x, 16588-x.)

On June 25, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. T. Montgomery Corporation, trading as J. E. Montgomery (Inc.), Tampa, Fla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about March 3, March 8, and March 10, 1927, from the State of Florida into the States of Pennsylvania, Louisiana, and Tennessee, respectively, of quantities of oranges which were adulterated.

It was alleged in the information that the article was adulterated in that a substance, to wit, decomposed and frost-damaged oranges, had been substituted in part for edible oranges, which the said article purported to be, and in that orange juice, a valuable constituent of the article, had been in part abstracted.

On February 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16632. Misbranding of cottonseed cake and meal. U. S. v. 100 Sacks of Cottonseed Cake and Meal. Product ordered released under bond to be relabeled.** (F. & D. No. 23275. I. S. No. 07505. S. No. 1395.)

On February 2, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed cake and meal, remaining in the original unbroken packages at Glendive, Mont., alleging that the article had been shipped by the Dallas Oil & Refining Co., Dallas, Tex., on or about December 13, 1928, and transported from the State of Texas into the State of Montana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Army Brand Prime Cottonseed Cake and Meal 100 Pounds Net Guaranteed Analysis Protein Not Less Than 43 Per Cent. Louis Tobian & Co., Dallas, Texas."

It was alleged in the libel that the article was misbranded in that the statements, above quoted, borne on the label, were false and misleading and deceived and mislead the purchaser, since the product contained less than 43 per cent of protein as stated on the label.

On June 29, 1929, the Dallas Oil & Refining Co., Dallas, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, a



decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$450, conditioned that it be properly labeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16633. Misbranding of salad oil. U. S. v. Terminal Packing Co. Plea of guilty. Defendant ordered to pay \$50 in lieu of costs.** (F. & D. No. 22579. I. S. Nos. 16499-x, 16500-x, 21026-x, 21027-x, 21028-x.)

On November 27, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Terminal Packing Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, in various lots, on or about October 24, November 9, and November 12, 1927, respectively, from the State of Massachusetts into the State of Rhode Island, of quantities of salad oil which was misbranded. The article was labeled in part, variously: "0.97% of ½ Gal. or ¾ Lbs. Net (or "0.97% of 1 Gal. or 7½ Lbs. Net") Star White Brand Salad Oil \* \* \* Terminal Packing Co. Boston, Mass.;" "Net Contents 0.98 of 1 Gal. or 7½ Lbs. Net Marca Tre Cavalli Olio Per Insalata \* \* \* A Pure Vegetable Oil of Finest Quality For Salads, Cooking, Mayonnaise, Etc.;" "Salad Oil Superfine Rosa Brand Pure Salad Oil \* \* \* Boston, Mass. Net Contents 0.98 of One Quart or 1½ Lbs. (or "Net Contents 0.98 of Half Gallon or ¾ Lbs.")"

It was alleged in the information that the article was misbranded in that the statements, to wit, "0.97% of ½ Gal. or ¾ Lbs. Net," "0.97% of 1 Gal. or 7½ Lbs. Net," "Net Contents 0.98 of 1 Gal. or 7½ Lbs. Net," "Net Contents 0.98 of One Quart or 1½ Lbs.," and "Net Contents 0.98 of Half Gallon or ¾ Lbs.," as the case might be, borne on the cans containing the article, were false and misleading in that the said statements represented that the cans contained the amount of the product declared on the label, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained the said declared amount of the product, whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the said defendant pay the sum of \$50 in lieu of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16634. Misbranding of poultry greens. U. S. v. 800 Sacks of Atlas Poultry Greens. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23119. I. S. No. 0127. S. No. 1222.)

On October 25, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 800 sacks of Atlas poultry greens, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about September 22, 1928, and transported from the State of California into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Atlas Poultry Greens Manufactured by the A. W. Scott Co., San Francisco, California. Guaranteed Analysis Crude Protein, not less than 20 per cent, Crude Fat, not less than 2 per cent, Crude Fiber, not More than 18 per cent."

It was alleged in the libel that the article was misbranded in that the statements, "Guaranteed Analysis Crude Protein, not less than 20 per cent, Crude Fiber, not more than 18 per cent," borne on the package or label, regarding the said article or the ingredients or substances contained therein were false and misleading and deceived and misled the purchaser.

On November 19, 1928, the Jackson Grain Co., a Florida corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled to conform with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16635. Adulteration and misbranding of assorted jellies. U. S. v. 33 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23085. I. S. Nos. 02032, 02033, 02034. S. No. 1167.)

On September 22, 1928, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 cases of assorted jellies, remaining unsold in the original packages at Detroit, Mich., alleging that the articles had been shipped by the Royal Remedy & Extract Co., from Dayton, Ohio, June 16, 1928, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Souders Apple Pectin Jelly Raspberry (or "Strawberry" or "Blackberry") Flavor Royal Remedy & Extract Co., Dayton, Ohio."

It was alleged in the libel that the articles were adulterated in that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, in that pectin jellies, artificially colored, had been substituted for the said articles and in that the articles were colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, "Raspberry Flavor," "Strawberry Flavor," and "Blackberry Flavor," borne on the labels, were false and misleading and deceived and misled the purchaser; and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On November 8, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16636. Adulteration and misbranding of Kalas-Kaviar. U. S. v. 670 Cans, et al., of Kalas-Kaviar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23327. I. S. Nos. 04536, 04540. S. No. 1438.)

On January 12, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 670 small-sized cans and 190 large-sized cans of Kalas-Kaviar at Chicago, Ill., alleging that the article had been shipped by G. W. Sheldon & Co., from New York, N. Y., May 10, 1928, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "The Monk Codroe Kaviar Swedish Net Weight 3½ oz. (or "Net Weight 6 oz.')." The 6-ounce cans of the product were further labeled: "Preserved with 0.4% Benzoic Acid."

It was alleged in the libel that the article was adulterated in that it contained added deleterious ingredients, to wit, coal tar dye and salicylic acid, which might have rendered it injurious to health.

Misbranding was alleged in the libel in that the statement "Preserved with 0.4% Benzoic Acid" was false and misleading and deceived and misled the purchaser, since the product contained no benzoic acid, and in that the article was sold under the distinctive name of another food, caviar, which it purported to be. The misbranding charge recommended by this department was that the portion of the product contained in 6-ounce cans was misbranded in that the statement "Preserved with 0.4% Benzoic Acid," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16637. Misbranding of cottonseed feed. U. S. v. 87 Sacks of Cottonseed Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22679. I. S. No. 21927-x. S. No. 720.)**

On April 10, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 87 sacks of cottonseed feed, remaining in the original unbroken packages at Ybor City, Fla., alleging that the article had been shipped by E. T. Allen & Co., from Unadilla, Ga., on or about February 23, 1928, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Cotton Seed Feed Manufactured for E. T. Allen Company, Dealers, Atlanta, Ga. Guaranteed Analysis: Protein, not less than 36.00%, Equivalent to Ammonia 7.00%."

It was alleged in the libel that the article was misbranded in that the statement "Guaranteed Analysis Protein not less than 36.00%, Equivalent to Ammonia 7.00%," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 9, 1928, the E. T. Allen Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, upon the filing of a good and sufficient bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16638. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23935. I. S. No. 08046. S. No. 2116.)**

On July 24, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Wolf Lake Co-operative Creamery, Frazee, Minn., on or about July 22, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 29, 1929, Clinton G. Heyd, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16639. Misbranding of butter. U. S. v. 24 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23930. I. S. Nos. 03718, 03719. S. No. 2164.)**

On July 29, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of butter at Newark, N. J., alleging that the article had been shipped by the June Dairy Products Co. (Inc.), New York, N. Y., in part on or about July 24, 1929, and in part on or about July 25, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Meadow Farms Butter \* \* \* One Pound Net." The remainder of the said article was labeled in part: "Creamery Butter One Pound Net Weight."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "One Pound Net" or "One Pound Net Weight," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that



the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements "One Pound Net" and "One Pound Net Weight" were incorrect.

On August 2, 1929, the June Dairy Products Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be repacked in tubs and relabeled with a plain, conspicuous, and correct statement of the net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16640. Adulteration of butter. U. S. v. 98 Tub8 of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 23895. I. S. No. 08554. S. No. 2052.)**

On June 24, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 98 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 11, 1929, alleging that the article had been shipped by the North American Creameries (Inc.), Paynesville, Minn., and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress of March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On June 27, 1929, the North American Creameries (Inc.), Boston, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the amount of \$2,500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16641. Adulteration and misbranding of butter. U. S. v. 34 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22824. I. S. No. 21599-x. S. No. 860.)**

On April 23, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Elberton Creamery (Inc.), from Elberton, Ga., April 16, 1928, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Lake View Butter, Net Weight One Pound \* \* \* Wilson & Company, Distributors."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be; and in that a product deficient in milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not so consist, but did consist of a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was not correct, the packages containing less than 1 pound.

On April 27, 1928, the Elberton Creamery (Inc.), Elberton, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$850, conditioned in part that it be reworked so that the packages each contain 16 ounces net weight of butter.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16642. Adulteration and misbranding of feed. U. S. v. 250 Sacks of White Feed and Ground Screenings, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 23288, 23289, 23290. I. S. Nos. 01021, 01022, 01023. S. Nos. 1409, 1410, 1411.)**

On December 29, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States, for said district libels praying seizure and condemnation of 250 sacks of white feed and ground screenings, 40 sacks of pulverized wheat, and 50 sacks of corn feed meal, remaining in the original unbroken packages at Ashley, Ill., alleging that the articles had been shipped by the General Commission Co., from Kansas City, Mo., on or about December 3, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part variously: "100 lbs. Kansas City White Feed and Ground Screenings \* \* \* Heart of America Mills, General Commission Co., Distributors, Kansas City, Missouri \* \* \* (Maximum mineral content 3%);" "100 lbs. Pulv. Wheat;" and "Corn Feed Meal Distributed by General Commission Company, Kansas City, Mo. \* \* \* Ingredients: Ground Corn."

Analyses of samples of the articles by the Food, Drug, and Insecticide Administration of this department showed that they contained calcium carbonate.

It was alleged in the libel that the articles were adulterated in that in each instance they contained an article of food and food product in which some other article had been mixed and packed and substituted in part for the pure article, and which had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Maximum mineral content, 3%," borne on the label attached to the sacks containing the white feed and ground screenings, was false and misleading and deceived and misled the purchaser when applied to a product containing mineral ingredients in excess of that amount. Misbranding was alleged with respect to the remaining products for the reason that the statements "Pulverized Wheat" and "Ingredients Ground Corn," as the case might be, were false and misleading and deceived and misled the purchaser when applied to products containing calcium carbonate.

On January 28, 1929, the Kleinschmidt Produce Co., Ashley, Ill., and the General Commission Co., Kansas City, Mo., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was sentenced, and it was ordered by the court that the products be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16643. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23953. I. S. No. 08045. S. No. 2115.)**

On July 24, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sharon Cooperative Creamery Co., Le Sueur, Minn., alleging that the article had been shipped from Le Sueur, Minn., on or about July 22, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with the said article



so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16644. Misbranding of olive oil. U. S. v. 10 Gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22263. I. S. No. 21522-x. S. No. 309.)**

On December 8, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 gallon cans of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by A. Gash & Co. (Inc.), from New York, N. Y., on or about November 9, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Olio d' Oliva Vergine Marca Agash Italia Prodotti Italiana Contenuto One Gallone Netto Italian Product Virgin Olive Oil Gash Brand Italy Net Contents One Full Gallon A Gash Importer and Packer Oneglia, Italy, N. Y. U. S. A."

It was alleged in the libel that the article was misbranded in that the statement, borne on the label, to wit, "Net Contents One Full Gallon," was false and misleading and deceived and mislead the purchaser.

On December 12, 1928, A. Gash & Co. (Inc.), New York, N. Y. claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$50, conditioned in part that it be emptied into barrels under the supervision of this department, and relabeled with a plain and conspicuous statement of the net volume.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16645. Adulteration of canned cherries. U. S. v. 44 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22428. I. S. No. 20268-x. S. No. 521.)**

On February 9, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 44 cases of canned cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped by the G. C. Salter Co., from Victor, N. Y., on or about August 31, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pie Makers Special Pitted Red Sour Cherries \* \* \* Packed by The J. Salter Co. (or "The G. C. Salter Co."), Manchester, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, worms and decayed spotted cherries.

On November 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16646. Misbranding of butter. U. S. v. 31 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23931. I. S. No. 03717. S. No. 2166.)**

On July 29, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 cases, each containing 30 pounds, and 1 case containing 15 pounds of butter at Newark, N. J., alleging that the article had been shipped from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 22, 1929, and transported from the State of New York into the State of New

Jersey, and charging misbranding in violation of the food and drugs act as amended. The said butter was in prints labeled: "8 Ounces Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "8 Ounces Net," was false and misleading and deceived and misled the purchaser; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "8 ounces net" was incorrect.

On July 31, 1929, M. Augenblick & Bros., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be delivered to the factory to be reprinted into full one-half-pound pieces.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16647. Adulteration and misbranding of grape bricks. U. S. v. 50 Cases of Grape Bricks. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21928. I. S. Nos. 12802-x to 12808-x, incl. S. No. E-3285.)**

On or about May 26, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of grape bricks, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Vino Sano Co., from San Francisco, Calif., on or about April 8, 1927, and transported from the State of California into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, corn sugar, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and in that a substance, namely, corn sugar and tartaric acid, had been substituted in part for the said article.

It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, general paragraph and paragraphs 2 and 4, in the case of food, in that the following statements, to wit, "Grape Bricks \* \* \* Recipes for making Grape Juice \* \* \* Grape Brick \* \* \* fruit juice—the juice \* \* \* Vino Sano Grape Bricks are the dehydrated, compressed substances as found in the choicest California grapes, carefully blended with selected flavors from imported vines, scientifically prepared by the newest process of dehydration, without the use of any harmful, artificial or synthetic chemical or preservative, and conform to the Pure Food Laws of the United States, and its States \* \* \* Then it makes a delicious, non-alcoholic, unfermented Grape Juice beverage. \* \* \* Grape Brick \* \* \* Grape Juice \* \* \* grape liquids or berry juices \* \* \* Vino Sano Grape Bricks contain the dehydrated contents of choice grapes, carefully blended with flavors. When dissolved in a gallon of water, it acts in the same manner as a gallon of freshly crushed grapes \* \* \* Contents of this package conform with the pure food laws of the United States. (Design of clusters of grapes) Grape brick dissolved in plain water makes delicious non-alcoholic unfermented grape juice. Grape bricks are the dehydrated, compressed substances as found in the choicest grapes, carefully blended with selected flavors from imported vines, scientifically prepared by the newest process of dehydration, without the use of any harmful, artificial or synthetic chemical or preservative, and conform to the Pure Food Laws of the U. S. \* \* \* Grape Juice \* \* \* the juice acts just like the juice from freshly pressed grapes. \* \* \* Grape Brick \* \* \* Then it makes a delicious non-alcoholic, unfermented grape juice beverage \* \* \* Grape Juice \* \* \* Grape Brick \* \* \* fruit juice \* \* \* the juice \* \* \* Eighty-five per cent of the weight of fresh grapes for juice-making purposes is waste matter (water). It must be transported at a high tariff from one state to another. Water can be obtained everywhere in the United States. But it is the water (H<sub>2</sub>O) in the fresh grapes, which brings about their ruin, when kept standing too long on railroad sidings or on long overland hauls through hot climes. Therefore grapes must be shipped in highly expensive refrigerating cars. Our process of dehydration does away with all that expense and bother. The consumer may keep our grape juice extract compound without danger of deterioration for months and even years, and when he wants to turn it into grape juice, he simply has to open the water faucet and add the water which was artificially extracted \* \* \* for the making of home-made



fruit juices \* \* \* their fruit and grape juices \* \* \* Grape Bricks," were false and misleading and deceived and misled the purchaser. It was further alleged in the libel that the article was misbranded in violation of paragraph 3, of section 8 of the act as amended, under drugs, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed: "For Medicinal Purposes \* \* \* the most effective mild cleansers of the digestive organs \* \* \* remedy \* \* \* digestive \* \* \* Vino Sano Port or Malaga Juice in mild fermentation may be prescribed by doctors instead of other yeast treatments as well as in place of fermented milk treatments: (Kefit, Houghurt, Kumiss, Etc.) in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs)."

On February 22, 1929, Harry E. Friedman and Lionel E. Levy, copartners trading as the Grape Products Co., Miami, Fla., having appeared as claimants for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$1,100, conditioned in part that it should not be used in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16648. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22985. I. S. No. 01486. S. No. 1064.)**

On August 16, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar at Metropolis, Ill., alleging that the article had been shipped by the Paducah Vinegar Works, from Paducah, Ky., on or about July 21, 1928, and transported from the State of Kentucky into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paducah Vinegar Works Old Homestead Brand Pure Apple Vinegar Reduced to 4% Acid Strength, Paducah, Ky."

It was alleged in the libel that the article was adulterated in that a colored distilled vinegar had been mixed and packed with and substituted in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore the statement "Pure Apple Vinegar," which was false and misleading and deceived and misled the purchaser, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 6, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded, and it was ordered by the court that the said product be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16649. Alleged adulteration and misbranding of canned tomatoes. U. S. v. 1000 Cases, et al., of Tomatoes. Tried to a jury. Special verdict for claimant. Decrees entered ordering product released and cases dismissed. (F. & D. Nos. 21856, 21864, 21877. I. S. Nos. 14719-x, 14762-x, 14763-x, 14768-x. S. Nos. E-6071, E-6099, E-6110.)**

On April 21, April 28, and May 5, 1927, respectively, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3,998 cases of canned tomatoes at Wilmington, Del., alleging that the article had been shipped by the Salem Packing Co., Salem, Md., in various consignments between the dates of September 18, 1926, and October 28, 1926, and had been transported from the State of Maryland into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Salem Beauty (or "Dean's Special") Brand Tomatoes. Contents 1 Lb. 3 Oz. Packed by Salem Packing Co., Salem, Md."

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was al-

leged with respect to a portion of the article for the further reason that a substance, water, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the labels, and the cut of a red ripe tomato borne on a portion of the said labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 19, 1928, the cases having been consolidated into one cause of action, and R. Elmer Dean, trading as the Salem Packing Co., Salem, Md., claimant, having filed answers to the libels denying the adulteration and misbranding of the product, the case came on for trial before the court and a jury. After the submission of evidence on behalf of the Government and the claimant the court delivered the following instructions to the jury (Morris, J.):

"Gentlemen of the Jury: After two days I suspect that you need very little instruction from me. However, I shall try to help you somewhat in the analysis of the testimony, but at the outset I want to say to you now that I have no views as to whether your verdict should be for the plaintiff or for the defendant. That is for you to determine. I have no views with respect to the weight to be given to one man's testimony as against another man's testimony. That is your province and not mine. I mention that now so that you will bear that fact in mind with respect to any facts that I may give to you or that have been given in evidence. The facts given to you by me will be merely illustrative in an attempt to help you see, if possible, how to get at and measure the evidence in this case, so as to enable you to return a right and proper verdict.

"In the first place, the Government contends, and the defendant concedes, that your verdict may be that the tomatoes in question were adulterated and were misbranded if you find that water was added thereto. Consequently, the only question of fact necessary for you to find is whether the Government has established to your satisfaction by a preponderance of evidence that water was added to any one or more of the four lots in question.

"There are two kinds of evidence before you upon which the Government relies to enable you to find a verdict in its favor. The most direct evidence is that given by its inspectors with respect to the trough leading from the bottom of the exhaust box, which is conceded. The Government says it led to the juice tank. The Government inspector said that the trough led to the juice tank. Mr. Cannon told you, and I think Mr. Morrell told you, that the trench from such trough would contain a substantial amount of water. If you are satisfied with that statement by Mr. Cannon and by Mr. Morrell, and you likewise find that the Government's evidence is the correct evidence, namely, that the exhaust—the condensation from the exhaust box was returned to the juice tank—and if you find that that exhaust, that condensation, was substantial in amount, then your finding may be that water was added to the tomatoes in question, and consequently your verdict may be that the tomatoes were adulterated and/or were misbranded. As to how you shall reconcile that conflicting testimony I can not help you. It is for you to reconcile it if you can. If you can not, you are to believe those persons that you deem most worthy of belief and disregard the testimony in whole or in part of those persons that you deem not so worthy of belief. In determining that question you may take into consideration the opportunity to know the facts and the frailties of human memory and arrive at a conclusion that is satisfactory to yourself.

"The other branch of the evidence upon which the Government relies to establish its contention that the goods in question were misbranded or adulterated and/or adulterated is circumstantial evidence as I understand evidence, and it may be that you understand it better than I do. In any event you are to be bound by your understanding of it. I am going over a portion of it merely to indicate to you how, it seems to me, you can expedite your work or better analyze that testimony.

"The Government used the refractometer method of ascertaining the content of the juice of the tomatoes which they examined. You have heard what several witnesses had to say about that method. Let us lay that aside for a moment and deem it for our immediate purposes a proper method. The use of that instrument results in a reading, which reading may be used directly or through the soluble solid content to determine what is the minimum soluble solid content of the material examined.



"We have from the testimony of Doctor Tiffany in this case, as I recall it—and whenever I say we have such testimony I am giving my recollection, because I have to use some facts to illustrate. You are not to be bound by my recollection but solely by yours. We have the testimony of Doctor Tiffany in this case that he found no content, solid content, by the refractometer method, as disclosed by the refractometer readings of the Government, less than 3.5 per cent. His maximum was 4.38 per cent of soluble solids, or an average of 4.02 per cent. Now, then, we have the testimony of one of the witnesses for the Government, who was recalled, who has used 5 per cent as the minimum content, and on his recall said that the 3.50 per cent was the minimum solid for Eastern Shore tomatoes. Consequently, as it seems to me, the Government's contention here is not that the tomatoes here in your charge fell below the minimum for Eastern Shore in soluble solid content for Eastern Shore tomatoes. Let me repeat that so that you may get it as I understand it. You are not bound by that understanding, but, as I understand the case, it is this: Unless you find from the readings of the refractometer, which will go before you—I don't know whether there is in the case a table from which you may convert these refractometer readings into soluble solid content or not—if not, you must take those readings. Doctor Tiffany tells us that those readings do not disclose a solid soluble content for any case of less than  $3\frac{1}{2}$  per cent. The Government witness tells us that the minimum solid content for Eastern Shore tomatoes is 3 per cent to  $3\frac{1}{2}$  per cent. Consequently the Government's contention, as I see it, is not that the soluble solid content of these tomatoes falls below  $3\frac{1}{2}$  per cent, but it is that the soluble solid content of these tomatoes falls below authentic samples at the particular district at about a particular time. Now, unfortunately I don't remember—you may remember—that there is in this case any translation of the refractometer readings of that so-called authentic sample by which you may determine what the solid content of that was. But there is in this case evidence that the Government chemist deduced from the facts before them that there had been added 10 per cent to 15 per cent of water. You can't base a verdict upon that deduction. You must base it upon the facts. You may be aided in making use of the facts by the expert testimony, but you can not take the opinion of another person alone and arrive at a finding of fact upon it that is honest. So that unless you recall some testimony which I do not, though you may, because I freely confess that I might overlook it, you have got to compare and interpret the readings of the refractometer of that sample—of that authentic sample—with the readings of these others, the goods now in your hands, to determine to what extent the solid content of the tomatoes—soluble solid content of the tomatoes now in your hands—is less than the solid soluble content of the authentic sample. If you find that it is any less, your work on the circumstantial part of the case is ended. If, however, you find that the solid soluble content by the refractometer readings of the tomatoes which are now in your charge is less than the solid soluble content of the authentic sample, then your work has probably just begun because then you must determine as to whether that soluble solid—whether that authentic sample—is a sound basis from which to measure the soluble solid content of these cases, or whether there is a reason to believe that it is not a foundation upon which may be predicated a verdict of adulteration or misbranding, even if the solid soluble content of the tomatoes in question is less than that of the sample.

"You may, if you find that the circumstances were identical, and that the probabilities—strong probabilities—are that the solid content of the tomatoes in question may be no less than that of the sample and you can find what the solid soluble content of the sample was, then you may make a finding of the additional water from such circumstantial evidence.

"In this case you are to be governed by the preponderance of the evidence. Your findings, as I said at the outset, must be predicated upon your recollection and not upon mine.

"The pure food act is not in question. It is an act that has been long in effect; and whether it is good or bad or indifferent, we have to take it as it is. The sole question for you is whether or not that act has been violated by these tomatoes by the addition of water which came from sources other than the tomato."

On June 20, 1928, the jury returned a special verdict that water had not been added to the product. On July 13, 1928, decrees were entered ordering that the

cases be dismissed, and that the product be discharged from the attachment and delivered to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16650. Misbranding of linseed oil meal. U. S. v. 200 Bags of Linseed Oil Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23619. I. S. No. 012408. S. No. 1856.)**

On April 12, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 bags of linseed oil meal, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Kelloggs & Miller (Inc.), from Amsterdam, N. Y., on or about March 15, 1929, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Old Process Linseed Oil Meal Manufactured by Kelloggs & Miller (Inc.), Amsterdam, N. Y., Analysis Percentage of Protein 34%."

It was alleged in the libel that the article was misbranded in that the statement "Analysis Percentage of Protein 34%," borne on the label, was false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein.

On April 15, 1929, Kelloggs & Miller (Inc.), Amsterdam, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of until relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*



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<sup>1</sup> Contains instructions to the jury.





# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16651-16675

[Approved by the Secretary of Agriculture, Washington, D. C., March 6, 1930]

**16651. Misbranding of Amaizo corn oil. U. S. v. 401 Cases, et al., of Amaizo Corn Oil. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23274. I. S. Nos. 0767, 0768, 0769. S. No. 1396.)

On December 24, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 82 cases containing gallon cans, 401 cases containing quart cans, and 100 cases containing pint cans of Amaizo corn oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the American Maize Sales Corporation, in part from Roby, Ind., and in part from Wolfe Lake, Ind., in various consignments on or about November 7, 1927, and March 28, June 21, September 27, and November 1, 1928, respectively, and transported from the State of Indiana into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Amaizo Amaizing For Salads and Cooking A Superior Corn Oil Manufactured by American Maize Products Co., New York, Chicago, Contents 1 Gallon (or "Contents 1 Quart" or "Contents 1 Pint")."

It was alleged in the libels that the article was misbranded in that the statements, "Contents 1 Gallon," "Contents 1 Quart," and "Contents 1 Pint," borne on the labels of the respective sized cans, were false and misleading and deceived and misled the purchaser, since the said cans did not contain the volume declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On February 26, 1929, the American Maize-Products Co., of New York, having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it should not be sold or otherwise disposed of in violation of law and until it be relabeled in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16652. Misbranding of feed. U. S. v. 250 Bags of Feed. Product ordered released under bond.** (F. & D. No. 22847. I. S. No. 13563-x. S. No. 899.)

On June 29, 1928, the United States attorney for the Western District of North Carolina, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 250 bags of feed, remaining in the original unbroken packages at Charlotte, N. C., alleging that the article had been shipped by the Dunlop Milling Co., from Clarksville, Tenn., on or about June 1, 1928, and

transported from the State of Tennessee into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Feed Manufactured by the Dunlop Milling Company, Clarksville, Tenn. \* \* \* Analysis Protein 9.25%, Fat 3%."

It was alleged in the libel that the article was misbranded in that the statements "Analysis Protein 9.25%, Fat 3%" borne on the label, were false and misleading and deceived and misled the purchaser.

On August 13, 1928, the Dunlop Milling Co., Clarksville, Tenn., having appeared as claimant for the property, a decree was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16653. Adulteration of butter. U. S. v. George D. Nereson (Portland Creamery Co.). Plea of guilty. Fine, \$50. F. & D. No. 22578. I. S. Nos. 21884-x, 21887-x, 21906-v, 21909-x, 23534-x, 24380-x.)**

On November 26, 1928, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George D. Nereson, trading as the Portland Creamery Co., Portland, N. Dak., alleging shipment by said defendant, in violation of the food and drugs act, on or about January 18, January 23, January 27, February 1, and February 13, 1928, respectively, from the State of North Dakota into the State of New York, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

On December 15, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16654. Misbranding of olive oil. U. S. v. 25 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22195. I. S. No. 21205-x. S. No. 253.)**

On November 22, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cans of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by A. Gash & Co., from New York, N. Y., on or about October 4, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Italian Product Virgin Olive Oil Agash Brand Italy Net Contents One Full Gallon."

It was alleged in the libel that the article was misbranded in that the statement, borne on the can, "Net Contents One Full Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1928, A Gash & Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$125, conditioned in part that it be emptied into barrels and labeled with the net volume under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16655. Misbranding of horse and mule feed. U. S. v. 120 Sacks of Horse and Mule Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23291. I. S. No. 05546. S. No. 1406.)**

On December 31, 1928, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed



in the District Court of the United States for said district a libel praying seizure and condemnation of 120 sacks of horse and mule feed, remaining in the original unbroken packages at Fayetteville, N. C., alleging that the article had been shipped by the Carolina Milling Co., from Dillon, S. C., on or about December 8, 1928, and transported from the State of South Carolina into the State of North Carolina, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded in that the following statements, designs, and devices regarding the article, borne on the label, "100 pounds C. M. Horse and Mule Feed Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina, Guaranteed Analysis Protein 10 per cent, Fat  $2\frac{1}{2}$  per cent, \* \* \* Fibre (not over) 15 per cent, Contents Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cotton Seed Meal, Molasses, 1% Salt," were false and misleading and deceived and misled the purchaser, in that the article was deficient in protein and fat and contained excessive fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 14, 1929, the Carolina Milling Co. (Inc.), Dillon, S. C., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16656. Misbranding of canned cherries. U. S. v. 25 Cases of Cherries.** Consent by claimant to entry of decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 23363. I. S. No. 014929. S. No. 1525.)

On or about February 4, 1929, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of canned cherries, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Geneva Preserving Co., Geneva, N. Y., on or about October 17, 1928, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Ribbon Brand Cherries Contents 6 Lbs. 10 Oz. Geneva Preserving Company, Geneva, New York."

It was alleged in the libel that the article was misbranded in that the statement, "Ribbon Brand Cherries, Contents 6 Lbs. 10 Oz.," borne on the label, was false and misleading and was intended to deceive and mislead the purchaser in that the said cans did not contain 6 pounds 10 ounces of the product, but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 25, 1929, the Geneva Preserving Co., Geneva, N. Y., claimant, having consented to the entry of a decree of condemnation and forfeiture, and having agreed to execute a good and sufficient bond, conditioned that each can be weighed and those weighing  $7\frac{1}{2}$  pounds gross sold under the present label, and those weighing less than  $7\frac{1}{2}$  pounds gross relabeled "Contents 6 lbs.," it was ordered by the court that the product be released to the said claimant upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16657. Misbranding of tomato catsup. U. S. v. 42 Cases of Tomato Catsup.** Product adjudged misbranded; released under bond. (F. & D. No. 23540. I. S. Nos. 013801, 013802, 013805, 013806. S. No. 1786.)

On March 23, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 cases of tomato catsup at Toledo, Ohio, alleging that the article had been shipped by the Lippincott Co., from Boonville, Ind., on or about November 30, 1928, and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Full Gallon Tomato Catsup. \* \* \* Contains No Coloring or Preservative. The Lippincott Com-



pany, Cincinnati, O., U. S. A." The remainder of the said article was labeled in part: "Clovernook Brand \* \* \* Tomato catsup. \* \* \* Free from Preservatives and Artificial Coloring."

It was alleged in substance in the libel that the article was misbranded in that the following statements, borne on the labels, "Tomato Catsup," with respect to all of the product, "Contains No Coloring," with respect to a portion, and "Free from \* \* \* artificial coloring," with respect to the remainder, were false and misleading and deceived and misled the purchaser.

On April 20, 1929, the Lippincott Co., Cincinnati, Ohio, having entered an appearance and having filed a claim and answer admitting that the product was misbranded as alleged in the libel, a decree was entered ordering that the said product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16658. Adulteration and misbranding of olive oil. U. S. v. 13 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22890, 22891. I. S. Nos. 24665-x, 24666-x. S. Nos. 955, 956.)

On July 17, 1928, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 24 cans of olive oil at Newark, N. J., alleging that the article had been shipped by Hochheiser & Weisberg (Inc.), Brooklyn, N. Y., on or about June 20, 1928, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Extra Sublime Pure Imported Italian Olive Oil Blue Star Brand \* \* \* H. & W. Inc., Importers & Packers, Lucca, Italy, New York, U. S. A."

It was alleged in the libels that the article was adulterated in that a substance, peanut oil, had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the following statements, designs, or devices appearing on the labeling, "Extra Sublime Pure Imported Italian Olive Oil The Olive Oil contained in this can is pressed from fresh picked olives \* \* \* This olive oil is guaranteed to be absolutely pure [cut showing olive-gathering scene]," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 22, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16659. Adulteration of walnuts. U. S. v. 4 Cartons of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23691. I. S. No. 09710. S. No. 1950.)

On May 6, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cartons of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Mason Ehrman & Co., from Lewiston, Idaho, on or about April 15, 1929, and transported from the State of Idaho into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On May 13, 1929, the General Grocery Co., Portland, Oreg., having entered an appearance as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned in manner satisfactory to this department, upon payment of costs and the deposit of collateral in the sum of \$42.75 to insure compliance with the terms of the decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16660. Adulteration of walnut meats. U. S. v. 19 Boxes of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23694. I. S. No. 0378. S. No. 1936.)**

On or about May 15, 1929, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 boxes of walnut meats, remaining in the original unbroken packages at Spokane, Wash., consigned by the Southern California Supply Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about March 6, 1929, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Invincible Brand. Distributed by the Southern California Supply Co., Inc., \* \* \* Los Angeles, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid vegetable substance.

On June 24, 1929, the Roundup Grocery Co., Spokane, Wash., and the Southern California Supply Co. (Inc.), Los Angeles, Calif., having appeared as claimants for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of in violation of law, and until reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16661. Misbranding of tomato catsup. U. S. v. 14 Cases of Tomato Catsup. Product ordered released under bond. (F. & D. No. 22958. I. S. No. 01463. S. No. 1027.)**

On August 3, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of tomato catsup, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about July 7, 1928, and transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Califo Brand Catsup. Contents one pound 12 ounces. Distributed by Coast Products Co."

It was alleged in the libel that the article was misbranded in that the designation "Tomato Catsup" was false and misleading and deceived and misled the purchaser when applied to an artificially colored article.

On December 3, 1928, the Morgan Packing Co., Austin, Ind., appeared and filed its answer and petition for delivery of the property and tendered a bond in the sum of \$500, conditioned as provided by law. The court having approved said bond, ordered that the product be delivered to the claimant upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16662. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23690. I. S. No. 03853. S. No. 1952.)**

On May 6, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 tubs of butter at Newark, N. J., alleging that the article had been shipped by the Alta Vista Farmers Creamery Association, from Alta Vista, Iowa, on or about May 1, 1929, and transported from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with the said article, and had been substituted in part for butterfat in which it was deficient. Adulteration was alleged for the further reason that a valuable constituent, milk fat, had been in part abstracted from the article.

On June 12, 1929, the Great Atlantic & Pacific Tea Co., Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant



upon payment of costs and the execution of a bond in the sum of \$525, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16663. Adulteration and misbranding of tomato catsup. U. S. v. W. M. Harris & Sons Co. Plea of guilty. Fine, \$10. (F. & D. No. 22589. I. S. No. 20239-x.)**

On December 28, 1928, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. M. Harris & Sons Co., a corporation, Wyoming, Del., alleging shipment by said company, in violation of the food and drugs act, on or about February 16, 1928, from the State of Delaware into the State of Pennsylvania, of a quantity of tomato catsup which was adulterated and misbranded. The article was labeled in part: "Harris Star Brand Catsup \* \* \* Packed by W. M. Harris & Sons Co. Wyoming, Del."

It was alleged in the information that the article was adulterated in that tomato catsup containing an undeclared coloring substance had been substituted for tomato catsup, which is normally prepared without the incorporation of added color and which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Catsup," borne on the label, was false and misleading in that the said statement represented that the article was composed of catsup, to wit, tomato catsup, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed solely of catsup, to wit, tomato catsup, whereas it was not, but was in part composed of and contained an undeclared coloring substance, to wit, cochineal.

On December 28, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16664. Misbranding of beef scrap. U. S. v. 30 Bags of Beef Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23779. I. S. No. 07965. S. No. 1985.)**

On May 23, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 bags of beef scrap, remaining in the original unbroken packages at Flemington, N. J., alleging that the article had been shipped by the Animal Rendering Co., from Philadelphia, Pa., on or about May 4, 1929, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "55% Protein Beef Scrap Guaranteed Analysis Min. Protein 55% \* \* \* Manufactured by Animal Rendering Co., Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that the statements on the label, "55% Protein Beef Scrap Guaranteed Analysis Min. Protein 55%," were false and misleading and deceived and misled the purchaser.

On July 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16665. Adulteration and misbranding of sauerkraut. U. S. v. 23 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21063. I. S. No. 8182-x. S. No. E-5760.)**

On May 10, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 cases of sauerkraut at Hoboken, N. J., alleging that the article had been shipped by F. B. Huxley & Son, Ontario, N. Y., on or about February 25, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Navarre Brand Sauerkraut \* \* \* Packed for A. Goldstein & Co., Hoboken, N. J."

It was alleged in the libel that the article was adulterated in that a substance deficient in acidity had been mixed and packed therewith so as to reduce,



lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Sauerkraut" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On July 1, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16666. Adulteration of walnut meats. U. S. v. 26 Cartons, et al., of Walnut Meats. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23693, 23701. I. S. Nos. 0376, 0377, 0382. S. Nos. 1926, 1969.)

On or about May 15, 1929, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 338 cartons of walnut meats, remaining in the original unbroken packages at Spokane, Wash., consigned by Leon Mayer, Los Angeles, Calif., alleging that the article had been shipped from San Francisco, Calif., in various lots, on or about November 27, 1928, March 26, 1929, and April 20, 1929, respectively, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Leon Mayer \* \* \* Los Angeles, Cal."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 8, 1929, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$3,000, the terms of said bonds requiring that the product should not be sold or otherwise disposed of until reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16667. Adulteration and misbranding of oats. U. S. v. 300 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23630. I. S. No. 09355. S. No. 1866.)

On April 16, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of oats, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the E. G. L. Feed Manufacturing Co., Helena, Ark., on or about April 5, 1929, and transported from the State of Arkansas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "160 Lbs. When Packed Bear State White Oats Sulphur Bleached Bear State Milling Co., Helena, Ark."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "160 Pounds" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly marked on the outside of the package, since the statement made was not correct.

On July 31, 1929, the E. G. L. Feed Manufacturing Co., Helena, Ark., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, the terms of said bond providing that the product be reconditioned and brought up to the correct weight under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16668. Adulteration and misbranding of olive oil. U. S. v. Thomas De Concilis. Plea of guilty. Fine and costs, \$100.** (F. & D. No. 22580. I. S. No. 21029-x.)

On October 23, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas De Concilis, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about April 6, 1927, from the State of Rhode Island into the State of Massachusetts, of a quantity of olive oil which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure olive oil which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Prodotti Italiani," "Olio Di Oliva," "Pure Olive Oil," "Sopraffino," "Lucca," "Toscana Italia," and "Net Contents 1 Gall.," together with the design and device of a woman draped in the Italian flag holding a shield bearing the Italian cross, borne on the cans containing the article, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the Province of Tuscany, Italy, and that each of the cans contained 1 gallon of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, Province of Tuscany, Italy, and that each of the said cans contained 1 gallon of olive oil, whereas the said article was not pure olive oil but was a product composed in large part of cottonseed oil, said article was not a foreign product, but was a domestic product, produced in the United States of America, and each of said cans contained less than 1 gallon net of olive oil. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole and in part in the United States of America and was branded as manufactured and produced in the Kingdom of Italy. Misbranding was alleged for the further reason that the article was an imitation of olive oil and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices on the labels, purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 5, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine and costs totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16669. Adulteration of grapefruit and oranges. U. S. v. Gentile Bros. Co. Plea of guilty. Fine, \$25.** (F. & D. No. 22552. I. S. Nos. 5787-x, 12494-x, 13897-x.)

On June 25, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gentile Bros. Co., a corporation, Orlando, Fla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about February 16, 1927, and April 16, 1927, respectively, from the State of Florida into the State of Ohio, of quantities of grapefruit and oranges, and on or about February 17, 1927, from the State of Florida into the State of Pennsylvania, of quantities of grapefruit which were adulterated. The articles were labeled in part, variously: "Rex Brand Superior Pack Grapefruit Rex Gentile Bros. Company, Orlando, Florida;" "Florida Arms Brand Ne Cede Malis Grape Fruit Oranges Gentile Bros. Co. Orlando, Florida;" "Grapefruit Florida Arms Brand Ne Cede Malis \* \* \* B. G. Co., \* \* \* Orlando, Florida;" "Pals Oranges and Grapefruit Trade Mark G Gen-Til-E \* \* \* Gentile Bros. Co. Orlando, Fla."

It was alleged in substance in the information that the articles were adulterated in that a substance, to wit, decomposed and frost-damaged grapefruit and oranges, had been substituted in part for edible fruit which the articles

purported to be, in that grapefruit juice or orange juice, as the case might be, a valuable constituent of the articles, had been in part abstracted, and in that the articles consisted in part of decomposed vegetable substances.

On March 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16670. Misbranding of tomato catsup. U. S. v. 399 Cases, et al., of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23351. I. S. Nos. 02615, 02616. S. No. 1497.)

On January 28, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 998 cases of tomato catsup, remaining in the original unbroken packages at Pittsford, N. Y., alleging that the article had been shipped by the Mid-West Food Packers, Fowlerston, Ind., September 5, 1928, and transported from the State of Indiana into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Forman Catsup, Contents 8 Ounces (or "4 (14) Ounces") This Catsup Guaranteed To Be Absolutely Pure. No Preservative or Artificial Coloring. Put up by L. C. Forman & Son, Pittsford, N. Y."

It was alleged in the libel that the article was misbranded in that the statements "This catsup guaranteed to be absolutely pure" and "No \* \* \* Artificial Coloring" were false and misleading and deceived and misled the purchaser.

On April 15, 1929, L. C. Forman & Sons (Inc.), Pittsford, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or otherwise disposed of contrary to law. Authority was granted the claimant to relabel the product at Pittsford, N. Y., under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16671. Adulteration and misbranding of butter. U. S. v. 10 Cases, et al., of Butter. Decrees of condemnation entered. Product released under bond.** (F. & D. No. 23933. I. S. Nos. 07557, 07558, 07646. S. No. 2094.)

On June 20 and June 21, 1929, respectively, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of twenty-four 50-pound cases and forty-seven 30-pound cases of butter, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by the Flala Creamery Co., Robertsedale, Ala., in various consignments, on June 3, June 5, and June 10, 1929, respectively, and transported from the State of Alabama into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Satsuma Brand Pure Pasteurized Butter Manufactured by Consumers Ice & Creamery Co., Foley, Ala., One Pound Net."

Adulteration of the article was alleged in substance in the libels for the reason that it was deficient in milk fat in that a product used in the composition of the said article had been substituted for butter, and in that the article contained less than 80 per cent by weight of milk fat as required by law.

Misbranding was alleged in substance for the reason that the article was labeled "Butter" and purported to be a food product equal to the standard required by the act of March 4, 1923, prescribing that butter contain 80 per cent by weight of milk fat, whereas the said article was deficient in that it did not contain 80 per cent by weight of milk fat.

On or about June 28, 1929, the Pensacola Dairy Co., Pensacola, Fla., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of



costs and the execution of bonds totaling \$1,305, the terms of said bonds requiring that the product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16672. Adulteration and misbranding of assorted jellies. U. S. v. 4½ Cases of Gold Medal Jelly, et al. Consent decrees of condemnation and destruction.** (F. & D. Nos. 23192 to 23197, incl. I. S. Nos. 01008, 01009, 01010, 01013, 01014, 01195, 01196, 01197, 01198. S. Nos. 1292 to 1297, incl.)

On or about November 19, November 20, and November 22, 1928, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 29 cases and 49½ dozen jars of jellies, in various lots at Topeka, Kansas City, Wichita, and Lawrence, Kans., respectively, alleging that the articles had been shipped by the Kansas City Syrup & Preserving Co., from Kansas City, Mo., between the dates of September 8, 1928 and September 24, 1928, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the articles were labeled in part: (Jars) "Good Value Brand, Apple Pectin Jelly Currant (or "Raspberry" or "Grape") Flavor \* \* \* Contents 16 Oz." The remainder of the said articles were labeled in part: (Jars) "Gold Medal Apple Pectin Currant (or "Grape," "Raspberry," "Strawberry," or "Cherry") Jelly Net Weight 6 Oz. (or "Net Weight 1 Lb.") Packed by Kansas City Syrup & Preserving Co., Kansas City, Mo." A portion of the said Gold Medal jellies bore the further statement on the jar label: "Fruit Acid And Color Added."

It was alleged in substance in the libels that the articles were adulterated in that they contained little or no fruit and were artificially colored and flavored, and contained tartaric acid and pectin.

It was further alleged in the libels that the articles were misbranded in that they were imitations of other articles, and in that the labels were false and misleading and deceived the purchaser. Misbranding was alleged with respect to the Good Value jellies, the Gold Medal jellies in 1-pound jars, and a portion of the Gold Medal jellies in 6-ounce jars for the further reason that they were short weight, and in that the quantity of the contents of the packages was not plainly and conspicuously marked on the outside of the packages.

No charge of short weight was recommended by this department against the 6-ounce jars of Gold Medal jellies.

On February 8, 1929, by consent of the claimant, the Kansas City Syrup & Preserving Co., Kansas City, Mo., judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16673. Adulteration and misbranding of butter. U. S. v. 161 Cases of Butter. Product ordered released upon deposit of collateral.** (F. & D. No. 22809. I. S. No. 17975-x. S. No. 823.)

On May 8, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 161 cases of butter, remaining in the original unbroken packages at Riverside, Calif., consigned by the Arrow Creamery Co., Salt Lake City, Utah, alleging that the article had been shipped from Salt Lake City, Utah, on or about May 4, 1928, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases) "Thirty" and "Quarters," (Cartons) "One Pound Net."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, since the package contained less than that quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

ously marked on the outside of the package, since the quantity stated on the package was not correct.

On May 24, 1928, H. Peterson, trading as the Arrow Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the deposit of \$500 as surety that the said product should not be sold or otherwise disposed of contrary to law. On July 5, 1928, the product having been reconditioned satisfactorily to this department, final decree of release was entered and the bond ordered exonerated.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16674. Adulteration of tomato paste. U. S. v. 49 Barrels of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23579. I. S. No. 03682. S. No. 1827.)**

On April 4, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 49 barrels of tomato paste, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the La Sierra Heights Can (Canning) Co., Los Angeles, Calif., on or about March 20, 1929, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Progressive It. Imp. Co. Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16675. Adulteration of butter. U. S. v. H. C. Christians Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 22542. I. S. Nos. 13327-x, 16309-x.)**

On March 23, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. C. Christians Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in part on or about July 18, 1927, and in part on or about July 25, 1927, from the State of Illinois into the State of Maryland, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On April 23, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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# United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16676-16700

[Approved by the Secretary of Agriculture, Washington, D. C., April 2, 1930]

**16676. Misbranding of table sirup. U. S. v. 3½ Cases, et al., of Table Sirup. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 23657. I. S. No. 07464. S. No. 1901.)**

On May 2, 1929, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3½ cases of half-gallon cans, 2½ cases of quart cans, and 4¼ cases of pint cans of table sirup, remaining unsold in the original packages at Roswell, N. Mex., alleging that the article had been shipped by the Early Coffee Co., from Denver, Colo., on or about January 26, 1929, and transported from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "After All None So Good Early's Blue Label Table Syrup \* \* \* Contents: Corn syrup with cane sugar, Imitation Maple Flavored Contains ½ of 1% of Benzoate of Soda. Manufactured by the Early Coffee Co., Denver, Colorado."

It was alleged in the libel that the article was misbranded in that it was an imitation of another article and was not so labeled.

On August 9, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be labeled as imitation maple sirup and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16677. Misbranding of dairy feed. U. S. v. 400 Bags of Dairy Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23669. I. S. No. 012409. S. No. 1897.)**

On April 26, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 bags of dairy feed, remaining in the original unbroken packages at Frederick, Md., alleging that the article had been shipped by Rosenbaum Bros., Chicago, Ill., on or about February 1, 1929, and transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "77 Dairy Feed Guaranteed Analysis Protein 15% \* \* \* Manufactured by Vitality Mills, Inc., Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the labeling, "Guaranteed Analysis Protein 15%," was false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein.

On May 9, 1929, the Vitality Mills (Inc.), Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be relabeled to show its correct protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16678. Adulteration of shell eggs. U. S. v. 6 cases, et al., of Shell Eggs. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22935, 22961. I. S. Nos. 0816, 0821. S. Nos. 1014, 1035.)**

On August 6 and August 31, 1928, respectively, the United States attorney for the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 35 cases of shell eggs at Birmingham, Ala., alleging that the article had been shipped by the J. H. McCarty Produce Co., from Tupelo, Miss., in part on July 20, 1928, and in part on July 24, 1928, and transported from the State of Mississippi into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. H. McCarty Produce Company, Tupelo, Miss."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed animal substance.

On September 8, 1928, the J. H. McCarty Produce Co., Tupelo, Miss., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$400, the said product to be recandled to meet the requirements of this department and to be disposed of under its supervision.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16679. Adulteration and misbranding of canned sauerkraut. U. S. v. 25 Cases, et al., of Canned Sauerkraut. Default decrees of condemnation and forfeiture entered. (F. & D. Nos. 17123, 17297. I. S. Nos. 237-v, 319-v. S. Nos. E-4275, E-4310.)**

On January 15 and February 21, 1923, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 50 cases of canned sauerkraut, remaining in the original unbroken packages, in part at Brooklyn, N. Y., and in part at Astoria, L. I., N. Y., alleging that the article had been shipped by the W. H. Killian Co., from Baltimore, Md., in two consignments, on or about November 23, 1922, and December 11, 1922, respectively, and transported from the State of Maryland into the State of New York, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder thereof, in violation of the food and drugs act. The article was labeled in part: (Cans) "Killian's Quality Sauer Kraut Contents 1 lb. 13 oz. (or "Contents 2 Lbs.") Packed by W. H. Killian Co., Baltimore, U. S. A."

It was alleged in the libels that the article was adulterated in that excessive brine had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged with respect to a portion of the product for the further reason that the statements "Quality Sauer Kraut, Contents 1 Lb. 13 Oz.," borne on the label, were false and misleading and deceived and misled the purchaser.

On August 3, 1929, no appearance having been entered in the cases, judgments of condemnation and forfeiture were entered.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16680. Adulteration and misbranding of alfalfa meal and chicken greens. U. S. v. 280 Sacks of Alfalfa Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23257. I. S. Nos. 03585, 03586. S. No. 1367.)**

On January 2, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 280 sacks of alfalfa meal and 120 sacks of chicken greens, remaining in the original packages at Brooklyn, N. Y., alleging that the articles had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about November 9, 1928, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Fine Ground Alfalfa Meal \* \* \* Crude Protein not less than 16.00. Crude Fat, not less than 2.00. Crude Fiber not more than 28.00, \* \* \* Manufactured by California Hawaiian Milling Co., San Francisco, Cal.," and



"Chicken Greens \* \* \* Crude Protein, not less than 20.0%, Crude Fat, not less than 2.5%, Crude Fibre, not more than 18.0% \* \* \* Manufactured by California Hawaiian Milling Co., San Francisco, Cal."

It was alleged in the libel that the articles were adulterated in that a substance deficient in protein and containing an excessive amount of fiber had been substituted in part for the articles, and had been mixed and packed therewith so as to reduce and lower their quality and strength.

Misbranding was alleged in the libel for the reason that the statements on the respective labels, "Fine Ground Alfalfa Meal, Net Weight 100 Lbs. When Packed. \* \* \* Crude Fibre, not more than 18.00 (28.00)," and "Chicken Greens Made From Select Alfalfa Hay, \* \* \* Net Weight 100 Lbs. When Packed, \* \* \* Crude Fibre not more than 28.00 (18.00)," were false and misleading and deceived and misled the purchaser when applied to articles containing an excessive amount of crude fiber. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 5, 1929, the California Hawaiian Milling Co. (Inc.), San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they be relabeled under the supervision of this department, in part as follows: "Fine Ground Alfalfa Meal Net Weight 100 Pounds. Crude Protein not less than 13.5% \* \* \* Crude Fibre not more than 34% ;" "Chicken Greens \* \* \* Net Weight 100 Pounds. Crude Protein not less than 16.5%. \* \* \* Crude Fibre not more than 25.5."

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16681. Misbranding of ground meal. U. S. v. 820 Sacks, et al., of Ground Meal. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23641, 23643, 23645, 23646. I. & S. Nos. 0930, 0931, 0932, 0933. S. Nos. 1884, 1886, 1887.)

On or about April 22, 1929, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of one thousand six hundred and forty 24-pound sacks, seven hundred 10-pound sacks, one hundred and twenty 98-pound sacks, and one hundred 6 (96)-pound sacks of ground meal, remaining in the original unbroken packages, in part at Vicksburg, Miss., and in part at Natchez, Miss., alleging that the article had been shipped by the Shreveport Grain & Elevator Co., from Shreveport, La., in various consignments, on or about April 3, April 4, and April 5, 1929, respectively, and transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Redhead Fresh Ground Meal, Shreveport Grain & Elevator Company, Shreveport, La., 24 Pounds Net" (or "96 Pounds Net," "10 Pounds Net Weight," or "98 Pounds Net Weight").

It was alleged in substance in the libels that the article was misbranded in that the statements, "10 Pounds Net Weight," "98 Pounds Net Weight," "24 Pounds Net Weight," "Redhead Fresh Ground Meal, Shreveport Grain and Elevator Company, Shreveport, La., 24 Pounds Net Fresh Ground Meal," "Redhead Fresh Ground Meal, Shreveport Grain and Elevator Company, Shreveport, La., 6 [96] Pounds Net Fresh Ground Meal," borne on the labels of the respective lots, were false and misleading and deceived the purchaser in that the sacks contained less than the said declared net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct, the actual net weight of the product contained in the said sacks being less than declared.

On May 21, 1929, the Shreveport Grain & Elevator Co., Shreveport, La., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that the sacks be refilled to the declared net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16682. Adulteration of canned sardines. U. S. v. 46 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 23205, 23206, 23214, 23215, 23223. I. S. Nos. 02220, 02221, 02222, 02257, 02258. S. Nos. 1309, 1310, 1325, 1326, 1328.)

On November 26, December 1, and December 5, 1928, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 500 cases of canned sardines, remaining in the original unbroken packages, in various lots, at Atlanta, Newnan, and Carrollton, Ga., respectively, alleging that the article had been shipped by the Van Camp Sea Food Co. (Inc.), in various shipments from East San Pedro, Terminal Island, and Wilmington, Calif., respectively, between the dates of November 16, 1927 and February 8, 1928, and transported from the State of California into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Star Tinapa Sardines (or "White Star Brand California Smoked Sardines, Tinapa") \* \* \* Van Camp Sea Food Co., Inc."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On December 31, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16683. Adulteration and misbranding of tomato paste. U. S. v. La Sierra Heights Canning Co. Plea of guilty. Fine, \$350.** (F. & D. No. 22599. I. S. Nos. 20337-x, 20338-x, 23421-x, 24005-x, 24006-x.)

On April 5, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the La Sierra Heights Canning Co., a corporation, Arlington, Calif., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 28, 1927, and January 10, 1928, from the State of California into the State of Pennsylvania, on or about November 5 and November 17, 1927, respectively, from the State of California into the State of New York, and on or about December 16 and December 29, 1927, respectively, from the State of California into the State of Louisiana, of quantities of tomato paste, which was adulterated and misbranded. The article was labeled in part: "Naples Style Tomato Paste (or "Liberta' Brand Tomato Paste") \* \* \* Packed By La Sierra Heights Canning Co., Arlington, Cal."

It was alleged in the information that the article was adulterated in that a substance, to wit, an artificially colored tomato paste, had been substituted for tomato paste, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomato Paste," borne on the label attached to the cans containing the article, was false and misleading in that the said statement represented that the article consisted wholly of tomato paste, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomato paste, whereas it did not so consist but did consist in part of undeclared artificial color.

On April 26, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16684. Adulteration of butter. U. S. v. 117 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16659. I. S. No. 3755-v. S. No. E-4080.)

On July 29, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 117 tubs of butter, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the New London Creamery Association, New London, Minn., on or about July 11, 1922, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed with and substituted wholly

or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On August 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16685. Adulteration of canned sardines. U. S. v. 10 Cases of Sardines. Default decree of forfeiture and destruction. (F. & D. No. 23046. I. S. No. 02505. S. No. 1129.)**

On September 4, 1928, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of sardines, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Sunset Packing Co., from Pembroke, Me., August 16, 1928, and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunco Brand American Sardines \* \* \* Packed by Sunset Packing Co., Inc., West Pembroke, Washn. Co. Me."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 18, 1928, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16686. Adulteration and misbranding of jelly. U. S. v. 25 Pails of Jelly. Decree of condemnation entered. Product released under bond. (F. & D. No. 23665. I. S. No. 07345. S. No. 1903.)**

On April 29, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 pails of jelly at Billings, Mont., alleging that the article had been shipped by the Pure Food Manufacturing Co., from Denver, Colo., on or about March 7, 1929, and transported from the State of Colorado into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Stenciled on top of pail) "30 Lbs. Net;" (paper label) "Net Contents 15 ounces—Delicious Brand Apple Pectin and Currant Jelly, Contains Sugar, Fruit, Apple Pectin, Added Fruit Acid and  $\frac{1}{2}$  of 1% Benzoate of Soda, Packed by the Pure Food Manufacturing Co., Denver, Colo." The paper label further bore a picture of various fruits and the statement "Artificially Colored," indistinctly rubber stamped at bottom.

It was alleged in the libel that the article was adulterated in that imitation jelly had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements "Apple Pectin and Currant Jelly" and "30 Pounds Net," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statements made were not correct. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 4, 1929, the Pure Food Manufacturing Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled to the satisfaction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16687. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation and destruction entered. (F. & D. No. 23053. I. S. No. 02508. S. No. 1143.)**

On September 6, 1928, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the



District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of sardines at Fayette, Ala., alleging that the article had been shipped by the Ramsdell Packing Co., from Eastport, Me., August 13, 1928, and transported from the State of Maine into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Stag Brand Sardines \* \* \* Packed by Ramsdell Packing Co., Lubec, Maine."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed animal substance.

On June 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16688. Adulteration of shell eggs. U. S. v. 3 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23859. I. S. No. 08331. S. No. 1944.)

On April 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases of eggs at Chicago, Ill., alleging that the article had been shipped by the Pleasant View Poultry Farm, Massillon, Ohio, April 6, 1929, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

At the June, 1929, term of said court, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16689. Adulteration of sardines. U. S. v. 11 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23012. I. S. No. 02842. S. No. 1100.)

On August 23, 1928, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of sardines at Troy, N. Y., alleging that the article had been shipped by H. F. Sawyer & Son, Vinalhaven, Me., June 27, 1928, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Three Star Brand Sardines, Packed by H. F. Sawyer & Son, Vinal Haven, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16690. Adulteration and misbranding of spring water. U. S. v. 300 Bottles of Spring Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20719. I. S. No. 8027-x. S. No. E-5609.)

On or about December 17, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 bottles of spring water at East Orange, N. J., alleging that the article had been shipped by the Capon Springs Co., Capon Springs, W. Va., on or about July 27, 1925, and transported from the State of West Virginia into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Blown in 5-gallon glass bottle) "From the Indian Name meaning Healing Waters Capon Springs Water New Jersey Sales Corp. East Orange, N. J."

Adulteration of the article, considered as a food, was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable or animal substance.



Misbranding of the article, considered as a food, was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the article, considered as a drug, was alleged for the reason that the statement borne on the label, "Healing Waters," was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16691. Adulteration and misbranding of oats. U. S. v. 300 Sacks, et al., of Oats. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23663, 23664. I. S. Nos. 09454, 09455. S. Nos. 1909, 1911.)

On or about April 29 and April 30, 1929, respectively, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 600 sacks of oats, remaining in the original unbroken packages, in part at Vicksburg, Miss., and in part at Natchez, Miss., consigned by the Cook-Bahlau Grain Co., Pine Bluff, Ark., alleging that the article had been shipped from Pine Bluff, Ark., on or about April 17, 1929, and transported from the State of Arkansas into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Blue Stripe White Oats Sulphurized 160 Pounds Net When Packed."

It was alleged in substance in the libels that the article was adulterated in that a mixture of oats and barley with the addition of water had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "White Oats," was false and misleading and deceived the purchasers in that the said product was not white oats. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 21, 1929, the Cook-Bahlau Grain Co., Pine Bluff, Ark., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the product be dried to the proper moisture content, and the sacks marked with the proper declared net weight and labeled to show that the contents were a mixture of sulphured oats and barley.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16692. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24045. I. S. No. 09142. S. No. 2144.)

On or about July 25, 1929, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter at Detroit, Mich., alleging that the article had been shipped by the Pearsall Butter Co., from Polo, Ill., July 13, 1929, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pearsall's Creamery Hillside Brand Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

The B. S. Pearsall Butter Co., Elgin, Ill., appeared as claimant for the property and admitted the allegations of the libel and paid the costs of the proceedings. An agreement was entered into between counsel, with the consent

of the court, that the produce be released to the claimant upon the filing of a bond in the sum of \$400, conditioned that it should not be sold or otherwise disposed of contrary to law. On August 19, 1929, a decree was entered by the court adjudging that the product should be forfeited and condemned, and ratifying the agreement releasing the said product to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16693. Misbranding of tomato catsup. U. S. v. 600 Large-Sized Cases, et al., of Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23635. I. S. Nos. 03436, 03437. S. No. 1853.)**

On April 16, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 large-sized cases and 250 small-sized cases of tomato catsup, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Mid-West Food Packers (Inc.), from Fowlerton, Ind., on or about September 11, 1928, and transported from the State of Indiana into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Mid-West Brand Tomato Catsup Made by Mid-West Food Packers Inc., Marion, Ind.;" (bottles) "Mid-West Brand Highest Quality Tomato Catsup Made by Mid-West Food Packers, Inc., Fowlerton, Ind. This Catsup Guaranteed To Be Absolutely Pure No Preservative or Artificial Coloring."

It was alleged in the libel that the article was misbranded in that the statements, "Tomato Catsup" and "No preservative or artificial coloring," were false and misleading and deceived and misled the purchaser when applied to an artificially colored product.

On August 2, 1929, J. C. Orrick & Son Co., Cumberland, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16694. Adulteration of cheese. U. S. v. 90 Boxes of American Cheese. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23035. I. S. No. 25996-x. S. No. 972.)**

On March 30, 1928, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 90 boxes of American cheese, daisy style, remaining in the original unbroken packages at Marinette, Wis., alleging that the article had been shipped by Louis Sheevy, from Stephenson, Mich., on or about March 14, 1928, and transported from the State of Michigan into the State of Wisconsin, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, to wit, milk fat, had been wholly or in part abstracted.

On April 19, 1928, Louis Sheevy, Stephenson, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16695. Misbranding (alleged adulteration) of mixed barley and oats. U. S. v. 350 Sacks of Barley and Oats Mixed, et al. Product adjudged misbranded. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23667, 23668. I. S. Nos. 09374, 09375. S. Nos. 1905, 1906.)**

On April 27, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 650 sacks of mixed barley and oats, remaining in the original



unbroken packages, in part at Monroe, La., and in part at Vinton, La., alleging that the article had been shipped by the Cook-Bahlau Grain Co., from Pine Bluff, Ark., in two consignments on or about April 15, 1929, and April 17, 1929, respectively, and transported from the State of Arkansas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Barley & Oats Mixed (or "Barley Mixed Oats") Sulphurized 160 (or "144") Lbs. Net When Packed."

It was alleged in the libels that the article was adulterated in that it contained a substance which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, since the said product contained water.

On May 6, 1929, the Cook-Bahlau Grain Co., Pine Bluff, Ark., having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered adjudging the product misbranded in that the branding was false and misleading and deceived and misled the purchaser, and in that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. The decrees further ordered that the product be condemned and forfeited, with the proviso that it might be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it be repacked, under the supervision of this department, so that it meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16696. Misbranding of tomato catsup. U. S. v. 93 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 22884. I. S. No. 01951. S. No. 957.)

On July 16, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 93 cases of tomato catsup, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., June 23, 1928, and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Joffaco Brand Tomato Catsup, Distributed by John F. Lalla Co., Chicago, \* \* \* Made from Whole Red Ripe Tomatoes. \* \* \* Free from Artificial Coloring or Preservatives."

It was alleged in the libel that the article was misbranded in that the statement in the labeling, "Free from Artificial Coloring," was false and misleading and deceived and misled the purchaser, since the product contained an artificial coloring.

On April 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16697. Misbranding of dairy feed. U. S. v. 60 Sacks of Lasso Dairy Feed. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 23774. I. S. No. 08894. S. No. 1975.)

On May 17, 1929, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 sacks of Lasso dairy feed, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Southern Milling Co., from Augusta, Ga., April 3, 1929, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Lasso, 16% Dairy Feed \* \* \* Southern Milling Company, Augusta, Georgia \* \* \* Protein 16% \* \* \* Fibre 14%."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Protein 16 per cent, fibre 14 per cent," were false and misleading.

On June 29, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16698. Adulteration of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23892. I. S. No. 08603. S. No. 2060.)**

On June 24, 1929, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Providence, R. I., consigned about June 4, 1929, alleging that the article had been shipped by the Bridgeman-Russell Co., Duluth, Minn., and transported from the State of Minnesota into the State of Rhode Island, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On July 22, 1929, the Bridgeman-Russell Co., Duluth, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$396, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16699. Misbranding of butter. U. S. v. Fifteen 30-Pound Cases of Butter, et al. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23951, 23954. I. S. Nos. 08746, 08749, 08750. S. Nos. 2092, 2093.)**

On or about July 11 and July 13, 1929, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of forty 30-pound cases of butter, remaining in the original packages at Jacksonville, Fla., alleging that the article had been shipped by the Moultrie Ice & Cold Storage Co., trading as the Moultrie Creamery, Moultrie, Ga., in part on June 25, 1929, and in part on July 10, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: (Cartons) "Clover Ridge Butter. Smith, Richardson & Conroy, Inc., Jacksonville, \* \* \* One Pound Net Clover Ridge Butter;" "Royalton Creamery Butter One Pound Net;" "Sweet Clover Creamery Butter One Pound \* \* \* Manufactured for Smith, Richardson & Conroy, Inc., Jacksonville, Florida."

It was alleged in the libels that the article was misbranded in that the statement on the package, "One Pound," was false and misleading and deceived and misled the purchaser, since the said packages did not contain 1 pound. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the packages, since the said packages were short weight.

On July 16, 1929, the Moultrie Ice & Cold Storage Co., a Georgia corporation, trading as the Moultrie Creamery, Moultrie, Ga., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$500, conditioned in part that it be reworked so that each package contain 16 ounces of butter by net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16700. Adulteration and misbranding of canned oysters. U. S. v. 600 Cases, et al., of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23984. I. S. Nos. 01162, 01163, 01164. S. No. 2226.)**

On or about September 5, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 cases of 4-ounce cans, 150 cases of 5-ounce cans, and 90 cases of 8-ounce cans of canned oysters, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the

Shelmore Oyster Products Co., from Charleston, S. C., on or about March 1, 1929, and transported from the State of South Carolina into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Oysters Crystal Bay Brand Shelmore Oyster Products Co., \* \* \* Contents 4 Ozs. Net," (or "Contents 5 Ozs. Net" or "Contents 8 Ozs. Net").

It was alleged in the libel that the article was adulterated in that it contained excessive brine, which had been mixed and packed with it so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged in substance for the reason that the statements on the labels, "Contents 4 Ozs. Net," "Contents 5 Ozs. Net," and "Contents 8 Ozs. Net," were false and misleading, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1929, the Shelmore Oyster Products Co., Charleston, S. C., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or offered for sale in violation of law and be relabeled to show the true quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16701-16725

[Approved by the Secretary of Agriculture, Washington, D. C., April 2, 1930]

**16701. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24022. I. S. No. 011820. S. No. 2193.)

On July 21, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Brannon Cooperative Creamery Co., from Ogema, Wis., July 17, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On August 16, 1929, Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16702. Adulteration of butter. U. S. v. 82 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23949. I. S. Nos. 010231, 010258. S. No. 2103.)

On July 8, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation and forfeiture of 82 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Sanitary Butter Co., from Clinton, Iowa, June 24, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and that it contained less than 80 per cent of butterfat.

On August 26, 1929, Dittman & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the

court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16703. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23940. I. S. No. 011852. S. No. 2174.)**

On July 26, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rock Falls Creamery Co., from Caryville, Wis., July 16, 1920, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, in that a valuable constituent, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

On August 27, 1929, Leserman Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16704. Adulteration and alleged misbranding of butter. U. S. v. 58 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23957. I. S. No. 09273. S. No. 2119.)**

On July 12, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 58 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Milbank Creamery Co., Milbank, S. Dak., July 5, 1929, and transported from the State of South Dakota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was deficient in butterfat and did not comply with the standard established by Congress. Adulteration was alleged for the further reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 24, 1929, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16705. Adulteration of butter. U. S. v. 17 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24014. I. S. No. 05264. S. No. 2232.)**

On August 6, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 35 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Millville Creamery Co., from Millville, Minn., July 27, 1929, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On August 27, 1929, Spangenberg & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16706. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 23894. I. S. No. 010227. S. No. 2062.)

On June 13, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 43 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the E. L. Creamery Co., from Janesville, Wis., June 3, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On July 10, 1929, the E. & L. Creamery Co., Janesville, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16707. Misbranding of canned crab meat. U. S. v. 97 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 23921. I. S. No. 021009. S. No. 2161.)

On August 9, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of ninety-seven 1-pound cans of crab meat, remaining in the original unbroken package at New York, N. Y., alleging that the article had been shipped by S. H. Tolley, Cambridge, Md., on or about August 7, 1929, and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents 1 Lb.;" (barrel) "From S. H. Tolley \* \* \* Honga, Maryland."

It was alleged in the libel that the article was misbranded in that the statement on the labels, "Net Contents 1 Lb.," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.



On August 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16708. Misbranding of canned crab meat. U. S. v. 82 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23922. I. S. No. 021010. S. No. 2162.)**

On or about August 12, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of eighty-two 1-pound cans of crab meat, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by P. S. Bass, Millville, N. J., on or about August 7, 1929, and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents 1 Lb.;" (barrel tag) "Philip Bass, Port Morris, N. J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents 1 Lb.," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16709. Adulteration of butter. U. S. v. 9 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23952. I. S. No. 010135. S. No. 2118.)**

On July 15, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Chequamegon Cooperative Creamery, from Washburn, Wis., July 3, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and in that it contained less than 80 per cent of butterfat.

On August 5, 1929, Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16710. Adulteration of butter. U. S. v. 90 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23956, 24129. I. S. Nos. 04512, 010182. S. Nos. 2120, 2315.)**

On July 17 and August 16, 1929, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 140 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Wisconsin Creamery Co., from Sauk City, Wis., in part on July 9, 1929, and in part on July 30, 1929, and transported from the State of Wisconsin

into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

On August 5 and August 30, 1929, respectively, the Peter Fox & Sons Co. and Geo. Dasing, of Chicago, Ill., having appeared as claimants for respective portions of the property and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16711. Adulteration of butter. U. S. v. A Large Quantity of Butter. Con-  
sent decree of condemnation and forfeiture. Product released  
under bond.** (F. & D. No. 24059. I. S. Nos. 08903, 08904, 08906, 08969,  
S. No. 2145.)

On July 24, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 369 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Merchants Creamery Co., Springfield, Mo., in various consignments, on or about June 15, June 25, June 29, and July 3, 1929, respectively, and transported from the State of Missouri into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that it contained less than 80 per cent of milk fat, the act of May (March) 4, 1923, prescribing that butter contain not less than 80 per cent by weight of milk fat.

On August 27, 1929, the Merchants Creamery Co., Springfield, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$15,000, conditioned in part that it be salvaged under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16712. Adulteration and misbranding of catsup. U. S. v. 24½ Cases of  
Catsup. Default decree of condemnation, forfeiture, and destruc-  
tion.** (F. & D. No. 23874. I. S. No. 07657. S. No. 2057.)

On July 3, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24½ cases of catsup, and on July 12, 1929, an amendment to the said libel praying seizure of 2 additional cases of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce by W. M. Harris & Sons, Wyoming, Del., on or about April 10, 1929, from the State of Delaware into the State of Louisiana, that it remained in the original unbroken shipment at New Orleans, La., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Harris Star Brand Hot Catsup Packed by W. M. Harris & Sons \* \* \* Wyoming, Delaware."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Catsup" was false and misleading and deceived and misled the purchaser.



On September 20, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16713. Adulteration of butter. U. S. v. 310 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24017. I. S. No. 06028. S. No. 2102.)**

On or about July 16, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 310 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Armour Creamery, from Woodward, Okla., on or about July 1, 1929, and transported from the State of Oklahoma into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On July 30, 1929, Armour & Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$8,670, conditioned in part that it should not be sold or disposed of until reworked under the supervision of this department and the resulting product approved.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16714. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23943. I. S. No. 09285. S. No. 2168.)**

On July 26, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Stillwater Market Co., from Stillwater, Minn., July 11, 1929, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

On August 16, 1929, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16715. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24023. I. S. No. 09293. S. No. 2191.)**

On July 29, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Iowa State Brand Creamery, from Mason City, Iowa, July 20, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.



It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

On August 16, 1929, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16716. Adulteration of dressed chickens. U. S. v. 1 Barrel of Dressed Chickens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23001. I. S. No. 01939. S. No. 1088.)**

On August 18, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of dressed chickens, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Dickerson Produce Co., from Knoxville, Iowa, August 13, 1928, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Dickerson Produce Company, Knoxville, Iowa."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and putrid substance. Adulteration was alleged for the further reason that the article consisted in part of a decomposed substance, in that the said chickens were emaciated and green, and the infected area extended into the flesh and showed indications of incipient decomposition and of being insufficiently bled.

On March 19, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16717. Adulteration and alleged misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23944. I. S. No. 010218. S. No. 2170.)**

On July 26, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Abrams Creamery Co., from Coleman, Wis., July 16, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs acts.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, and in that the said article did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 6, 1929, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16718. Adulteration and alleged misbranding of butter. U. S. v. 14 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23942, 24036. I. S. Nos. 04520, 09286. S. Nos. 2149, 2169.)

On July 22 and July 26, 1929, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Chicago, Ill. It was alleged in the libels that the article had been shipped in part by the Bruce Creamery, and in part by the Bruce Creamery Co., from Bruce, S. Dak., July 13, 1929, and July 16, 1929, respectively, and transported from the State of South Dakota into the State of Illinois, and that it was adulterated and misbranded in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libels for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that it did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 6, 1929, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16719. Adulteration of walnuts. U. S. v. 26 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23311. I. S. No. 01988. S. No. 1362.)

On January 7, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 bags of walnuts, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the General Kold (Cold) Storage Co., from Detroit, Mich., November 9, 1928, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 16, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16720. Misbranding of pig meal. U. S. v. 400 Sacks, et al., of Raven Pig Meal. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 24048, 24049. I. S. Nos. 013000, 09637. S. Nos. 2157, 2158.)

On July 26, 1929, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 520 sacks of Raven pig meal, remaining in the original unbroken packages in various lots at Hiawatha, Sabetha, and Fairview, Kans., respectively, alleging that the article had been shipped by the Raven Mineral Manufacturing Co., Council Bluffs, Iowa, in part on or about March 18, 1929, and in part on or about June 24, 1929, and transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pig Meal Guaranty Crude Protein 27%, \* \* \* Crude Fiber 6.2%."



It was alleged in the libels that the article was misbranded in that the statement "Crude Protein 27%," borne on the labels, was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 27 per cent of crude protein, whereas it contained less than 27 per cent of crude protein. Misbranding was alleged with respect to a portion of the article for the reason that the statement "Crude Fiber 6.2%," borne on the label, was false and misleading and deceived and misled the purchaser to believe that the article contained not more than 6.2 per cent of crude fiber, whereas the said portion of the article contained more than 6.2 per cent of crude fiber.

On September 9, 1929, the Raven Mineral Manufacturing Co., Council Bluffs, Iowa, having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it be relabeled to show the true content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16721. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24161. I. S. No. 021085. S. No. 2294.)**

On September 6, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at New York N. Y., alleging that the article had been shipped by the Prinsburg Creamery Co., Prinsburg, Minn., on or about August 23, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1929, S. & W. Waldbaum, New York, N. Y., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$200 collateral, or the execution of a bond in like amount, conditioned in part that it be reworked and reprocessed so that it contained at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16722. Adulteration and misbranding of chocolate pineapple hearts and chocolate-coated pineapple cores. U. S. v. 47 Boxes of Chocolate Pineapple Hearts, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 23800. I. S. Nos. 08034, 08035. S. No. 2021.)**

On June 10, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 boxes of chocolate pineapple hearts, and 47 boxes of chocolate-coated pineapple cores, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sphinx Chocolate Corporation, Brooklyn, N. Y., alleging that the articles had been shipped from Brooklyn, N. Y., on or about May 25, 1929, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The articles were labeled in part: "Sphinx Chocolates \* \* \* Chocolate Pineapple Hearts (or "Chocolate Coated Pineapple Cores") Manufactured by Sphinx Chocolate Corporation, Brooklyn, N. Y."

It was alleged in the libel that the articles were adulterated in that foreign fat had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength, and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements on the labels, "Chocolates" and "Chocolate Coated," with respect to the chocolate-coated



pineapple cores, and "Chocolates," "Chocolate Pineapple Hearts," and "Chocolate Coated," with respect to the chocolate pineapple hearts, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On July 2, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16723. Adulteration and misbranding of butter. U. S. v. 20 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23896. I. S. No. 04414. S. No. 2066.)**

On or about July 3, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about June 28, 1929, alleging that the article had been shipped by the Nelsonville Creamery & Cheese Association, from Nelsonville, Wis., and transported from the State of Wisconsin into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Parchment wrapper) "1 Lb. Net Weight This butter is made from pure cream."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore statements regarding the article which were false and misleading and deceived and misled the purchaser, as follows: "Butter" and "1 Lb. Net Weight." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 22, 1929, William A. Shutz (Inc.), Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of until reconditioned and the packages marked so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16724. Adulteration and misbranding of mayonnaise. U. S. v. 12 Cases of Mayonnaise. Default decree of condemnation and destruction. (F. & D. No. 23637. I. S. No. 07322. S. No. 1870.)**

On April 23, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of mayonnaise at Butte, Mont., alleging that the article had been shipped by Nalleys (Inc.) from Tacoma, Wash., on or about September 18, 1928, and transported from the State of Washington into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Nalleys Mayonnaise, \* \* \* Nalleys Pure Food Products, Tacoma, Seattle, Portland."

It was alleged in the libel that the article was adulterated in that a substance, to wit, mineral oil, had been mixed and packed with and substituted wholly or in part for edible oil, so as to reduce, lower, or injuriously affect the quality and strength of the said article, in that a valuable constituent, to wit, edible oil, had been wholly or in part abstracted from the said article, and in that starch and artificial coloring had been added thereto.

Misbranding was alleged for the reason that the designation "Mayonnaise" and the statement "Pure Food," borne on the label, were false and misleading and deceived and misled the purchaser when applied to an article containing mineral oil, starch, and artificial coloring.

On August 13, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16725. Adulteration and misbranding of olive oil. U. S. v. 22 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23916. I. S. No. 010375. S. No. 2133.)**

On or about August 6, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 cans of olive oil, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by A. A. Massnouk, Brooklyn, N. Y., on or about July 10, 1929, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Superfine Olive Oil Imported Italian Brand Lucca Italia Net Contents One Gallon First Pressing Cream Olive Oil."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for olive oil which the said article purported to be.

Misbranding was alleged for the reason that the statements, "Superfine Olive Oil," "Imported Italian Brand," "Lucca Italia," "First Pressing Cream Olive Oil," "Net Contents One Gallon," borne on the label, were false and misleading and deceived and misled the purchaser when applied to a product consisting largely of cottonseed oil, and which was short in volume. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On September 20, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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Millville Creamery Co-----	16705	Mayonnaise :	
Nelsonville Creamery & Cheese		Nalleys (Inc.)-----	16724
Association-----	16723	Nuts—	
Prinsburg Creamery Co-----	16721	walnuts :	
Rock Falls Creamery Co-----	16703	General Cold Storage Co-----	16719
Sanitary Butter Co-----	16702	Olive oil :	
Stillwater Market Co-----	16714	Massnoux, A. A-----	16725
Wisconsin Creamery Co-----	16710	Pig meal. See Feed.	
Catsup :		Walnuts. See Nuts.	
Harris, W. M., & Sons-----	16712		



# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16726-16750

[Approved by the Secretary of Agriculture, Washington, D. C., April 2, 1930]

**16726. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24153. I. S. No. 021256. S. No. 2359.)**

On September 19, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Miles Friedman Co. (Inc.), Chicago, Ill., and had been transported from the State of Illinois into the State of New York, having been received on or about September 13, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 25, 1929, Miles Friedman (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the deposit of \$500 collateral, or the execution of a bond in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16727. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24054. I. S. No. 03714. S. No. 2156.)**

On July 23, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 tubs of butter at Newark, N. J., alleging that the article had been shipped by the Lone Pine Creamery Co., from Garwin, Iowa, on or about July 18, 1929, and transported from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for butterfat in which the said article was deficient. Adulteration was alleged for the further reason that a valuable constituent, milk fat, had been in part abstracted.

On July 31, 1929, Gude & Cole (Inc.), Newark, N. J., claimant, having admitted the allegation of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,300, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws, Federal and State, relating thereunto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16728. Misbranding of butter. U. S. v. Twenty 32-Pound Cartons, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24138. I. S. No. 021084. S. No. 2265.)

On August 29, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of twenty 32-pound cartons and eighteen 12-pound cartons of butter at Paterson, N. J., alleging that the article had been transported in interstate commerce from the premises of Abe Jaffee, New York, N. Y., to the premises of D. Fullerton & Co., Paterson, N. J., in a truck owned and operated by said D. Fullerton & Co., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Special Creamery Butter, D. Fullerton & Co., Paterson, N. J., 1 Pound Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect.

On September 9, 1929, D. Fullerton & Co., Paterson, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the property, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reprinted into full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16729. Misbranding of butter. U. S. v. 51 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 24041, 24053. I. S. Nos. 03722, 03723, 021078. S. Nos. 2197, 2230.)

On August 10 and August 15, 1929, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 104 cases, each containing 30 pounds, and 27 cases, each containing 15 pounds of butter, at Newark, N. J., alleging that the article had been transported in interstate commerce by the June Dairy Products Co. (Inc.), from their premises in New York, N. Y., to their premises in Newark, N. J., on or about the respective dates of August 3, August 5, August 8, and August 10, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled variously: "Pasteurized June Dairy \* \* \* Fancy-Print-Butter \* \* \* Four-In-One \* \* \* One Pound Net," "Pasteurized June Dairy Fancy-Print-Butter \* \* \* One Pound Net Sweet Butter," and "Four-In-One June Dairy \* \* \* Butter \* \* \* One Pound Net."

It was alleged in the libels that the article was misbranded in that the statement on the labels, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement "One Pound Net" was incorrect.

On August 16 and August 23, 1929, respectively, the June Dairy Products Co. (Inc.), Newark, N. J., claimant, having admitted the allegations of the libels and having consented that decrees be entered condemning and forfeiting the product, judgments were entered ordering that the said product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,550, conditioned in part that it be reprinted into full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16730. Misbranding of butter. U. S. v. 21 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24042. I. S. No. 021076. S. No. 2231.)

On August 14, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 cases of butter at New Brunswick, N. J., alleging that the article had been transported in interstate commerce by Meyer Feller, from the premises



of Abe Jaffee, New York, N. Y., to the premises of Meyer Feller, New Brunswick, N. J., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "EMEF Brand Fancy Creamery Butter One Pound Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net Weight," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net Weight" was incorrect.

On August 26, 1929, Meyer Feller, New Brunswick, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be re-packed in tubs and stamped to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16731. Misbranding of butter. U. S. v. 100 Pounds of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24052. I. S. No. 021077. S. No. 2229.)**

On August 16, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 pounds of butter at Jersey City, N. J., alleging that the article had been transported in interstate commerce by Charles W. Press, Jersey City, N. J., from the premises of Meyer & Sornberger, New York, N. Y., to his own premises in Jersey City, N. J., on or about August 12, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Country Club Finest Creamery Butter Printed Fresh Daily by Charles W. Press 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statements on the label, "1 Lb. Net Weight" and "Printed Fresh Daily by Charles W. Press," were false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "1 Lb. Net Weight," was incorrect.

On October 1, 1929, Charles W. Press, Jersey City, N. J., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16732. Adulteration of canned stringless beans. U. S. v. 1999 Cases of Canned Stringless Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24001. I. S. No. 08593. S. No. 2245.)**

On September 11, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,999 cases of canned stringless beans, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by W. E. Robinson & Co., from Millenbeck, Va., on or about July 23, 1929, and transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fallston Brand Cut Green Stringless Beans \* \* \* Packed for Maryland Canned Goods Co., Belair, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On October 1, 1929, Thurman G. Foster, Lancaster, Va., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be salvaged under the supervision of this department and the adulterated portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16733. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24154. I. S. No. 021259. S. No. 2336.)**

On September 19, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sobieski Farmers Cooperative Creamery Association, Little Falls, Minn., in part on or before September 4, 1929, and in part on or before September 7, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 23, 1929, the Sobieski Farmers Cooperative Creamery Association, Little Falls, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16734. Adulteration of butter. U. S. v. 105 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24050. I. S. No. 09078. S. No. 2208.)**

On or about July 11, 1929, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 105 tubs of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by the Armour Creameries, Woodward, Okla., on or about June 29, 1929, and transported from the State of Oklahoma into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

On August 19, 1929, Armour & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned in part that it should not be sold or disposed of until reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16735. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23946. I. S. No. 011460. S. No. 2172.)**

On July 29, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amended libel, praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Rib Lake Cooperative Creamery Co., from Rib Lake, Wis., July 16, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 23, 1929, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16736. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24158. I. S. No. 021252. S. No. 2298.)**

On September 13, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Exeland Creamery Co., Exeland, Wis., on or about August 29, 1929, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 21, 1929, the Minnesota Cooperative Dairies Association, Owatonna, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, or the deposit of cash collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16737. Adulteration of canned sardines. U. S. v. 108 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23692. I. S. No. 05500. S. No. 1948.)**

On May 7, 1929, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 108 cases of canned sardines at Memphis, Tenn., alleging that the article had been shipped by the Interstate Grocery Co., from Helena, Ark., on or about March 19, 1929, and transported from the State of Arkansas into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Commercial Brand American Sardines \* \* \* Packed By The Brawn Company, Portland, Me."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16738. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23832. I. S. No. 03507. S. No. 2042.)**

On June 25, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by C. E. Healey & Son, from Loda, Ill., on or about June 14, 1929, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "C. E. Healey & Son, Loda, Illinois, Milk Fatted Poultry."



It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16739. Adulteration and misbranding of butter. U. S. v. 21 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24151. I. S. No. 022287. S. No. 2300.)**

On September 5, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the N. W. Dairy Forwarding Co., Duluth, Minn., on or about August 31, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 11, 1929, the Wm. M. Lippincott Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16740. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24157. I. S. No. 021260. S. No. 2337.)**

On September 19, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Ogema Creamery Co., Ogema, Minn., and transported from the State of Minnesota into the State of New York, arriving on or about September 16, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 24, 1929, Herman G. Freiler, Ogema, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the deposit of \$700, or the execution of bond in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16741. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24156. I. S. No. 016421. S. No. 2348.)**

On September 23, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages



at Philadelphia, Pa., consigned by the Meadowlands Creamery Co., Meadowlands, Minn., alleging that the article had been shipped from Meadowlands, Minn., on or about September 18, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 1, 1929, Wm. M. Lippincott & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$520, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16742. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24155. I. S. No. 016422. S. No. 2349.)**

On September 23, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Farmers Cooperative Creamery Co., Staples, Minn., alleging that the article had been shipped from Staples, Minn., on or about September 18, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 27, 1929, C. M. Drake & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16743. Misbranding of butter. U. S. v. Six 30-Pound Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24047. I. S. No. 021079. S. No. 2262.)**

On August 23, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of six 30-pound cases of butter at Paterson, N. J., alleging that the article had been transported in interstate commerce from the premises of the C. & P. Butter Printing Co., New York, N. Y., to the premises of M. Klahr, Paterson, N. J., on or about August 19, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight Valley Farm Print Butter M. Klahr & Co., Distributors, Paterson, New Jersey."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight One Pound," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Net Weight One Pound" was incorrect.

On September 9, 1929, M. Klahr, Paterson, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the

said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reprinted into full quarter-pound sections, and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16744. Misbranding of butter. U. S. v. Fifteen 32-Pound Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23950. I. S. No. 08747. S. No. 2091.)

On or about July 11, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of fifteen 32-pound cases of butter, remaining in the original packages at Jacksonville, Fla., alleging that the article had been shipped by the Dublin Creamery, from Dublin, Ga., July 8, (1929), and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The wrappers inclosing the article were labeled in part: "1 Lb. Net Weight Cloverbloom Pasteurized Creamery Butter \* \* \* Armour Creameries, General Offices, Chicago, Distributors."

It was alleged in the libel that the article was misbranded in that the statement on the labels, "One Pound," was false and misleading and tended to deceive and mislead the purchaser, since the packages did not contain 1 pound of butter. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the packages were short weight.

On July 24, 1929, Armour & Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that the packages contain 16 ounces net weight of butter.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16745. Adulteration of butter. U. S. v. 11 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24016. I. S. No. 06318. S. No. 2165.)

On or about August 2, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on July 17, 1929, the article had been shipped by the Hill County Creamery, from Havre, Mont., and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that a product containing less than .80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On August 20, 1929, the Hill County Creamery Co., Havre, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be repacked, under the supervision of this department, so that it conform with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16746. Misbranding of butter. U. S. v. 84 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24019. I. S. No. 03716. S. No. 2154.)

On July 23, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 84 cases of butter at Jersey City, N. J., alleging that the



article had been transported by the Eagle Grocery Co., Jersey City, N. J. from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 19, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "The Eagle Grocery Company, finest Creamery Butter \* \* \* One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect.

On July 26, 1929, the Eagle Grocery (Co.), Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reprinted in full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16747. Adulteration and misbranding of butter. U. S. v. 94 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24147. I. S. No. 021239. S. No. 2306.)**

On September 4, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 94 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Arrow Creamery Co., Hebron, N. Dak., on or before August 20, 1929, and transported from the State of North Dakota into the State of New York, having been received on or about August 30, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 6, 1929, the Arrow Creamery Co., Hebron, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16748. Adulteration of canned salmon. U. S. v. 89 Cases of Chum Canned Salmon, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23972, 23973. I. S. Nos. 09931, 09932, 09933. S. Nos. 2220, 2221.)**

On August 28, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 218 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mitkof Packing Co., from Juneau, Alaska, July 27, 1929, and transported from the Territory of Alaska into the State of Washington, arriving at Seattle on or about August 2, 1929, and charging adulteration in violation of the food and drugs act. The article was labeled variously: (Cases) "Halves Chum Mitkof Packing Co., Seattle;" "Cohoe Mitkof Packing Co. Seattle;" "Sockeye Halves."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 18, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**16749. Misbranding of butter. U. S. v. 42 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24015. I. S. No. 03720. S. No. 2196.)

On August 2, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 43 cases of butter at Newark, N. J., alleging that the article had been shipped by Irving Sass of Newark, N. J., from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 20, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sass' Sweet Cream Butter \* \* \* 1 lb. Salt I. S."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 lb.," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "1 lb." was incorrect.

On August 6, 1929, Irving Sass, Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the product, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reprinted in full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16750. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24009. I. S. No. 022377. S. No. 2252.)

On August 26, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Clearwater Cooperative Creamery Association, Clearwater, Minn., alleging that the article had been shipped from Clearwater, Minn., on or about August 23, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 28, 1929, John S. Morris & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16751-16775

[Approved by the Secretary of Agriculture, Washington, D. C., April 15, 1930]

**16751. Adulteration and misbranding of butter. U. S. v. 11 Tubs, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24012. I. S. Nos. 022381, 022383. S. No. 2254.)

On August 26, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Farmers Cooperative Creamery, Pelican Rapids, Minn., alleging that the article had been shipped from Pelican Rapids, Minn., on or about August 23, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 6, 1929, the Wm. L. Lippincott Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16752. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24062. I. S. No. 021125. S. No. 2249.)

On August 27, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery (& Produce) Co., from Grantsburg, Wis., through the Northwest Dairy Forwarding Co., Duluth, Minn., on or about August 17, 1929, and transported in interstate commerce into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 5, 1929, the Farmers Cooperative Creamery & Produce Co., Grantsburg, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be reworked and reprocessed to comply with the law. The claimant further agreed that the reconditioned product contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16753. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24065. I. S. No. 021113. S. No. 2223.)**

On August 23, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Henrietta Creamery Co., from Henrietta, Minn., on or about August 9, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 3, 1929, the Henrietta Creamery Co., Henrietta, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked and reprocessed so that it comply with the law. The claimant further agreed that the reconditioned product contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16754. Adulteration and misbranding of butter. U. S. v. 69 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24064. I. S. No. 021124. S. No. 2250.)**

On August 27, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 69 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Roslyn Creamery Co., from Roslyn, S. Dak., on or about August 13, 1929, and transported from the State of South Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 3, 1929, the Roslyn Creamery Co., Roslyn, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be reworked and reprocessed so that it comply with the law. The claimant further agreed that the reconditioned product contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16755. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24063. I. S. No. 021122. S. No. 2248.)**

On August 23, 1929, the United States attorney for the Southern District of New York, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Prentice Cooperative Creamery Co., from Prentice, Wis., on or about August 21, 1929, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 3, 1929, the Minnesota Cooperative Dairies Association, Owatonna, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it comply with the law. The claimant further agreed that the reconditioned product should contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16756. Adulteration and alleged misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24131. I. S. No. 020598. S. No. 2333.)**

On September 6, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Richford Creamery Co., from Wautoma, Wis., August 27, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, in that a valuable constituent, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 20, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16757. Adulteration and alleged misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24162. I. S. No. 020586. S. No. 2314.)**

On August 27, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the



Adrian Creamery Co., from Adrian, Minn., August 20, 1929, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, in that a valuable constituent, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 20, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16758. Adulteration and misbranding of maple sugar cakes. U. S. v. 40 Boxes of Maple Sugar Cakes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23917. I. S. No. 010629. S. No. 2132.)**

On August 7, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of maple sugar cakes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Vermont Maple Sugar & Syrup Co., from New Haven, Conn., on or about June 19, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that cane and brown sugar had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in part for maple sugar cakes, which the said article purported to be. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Made with Maple Sugar Fresh from the Hills of Vermont. As pure as the Heavens above. Vermont Maple Sugar and Syrup Co.," were false and misleading and deceived and mislead the purchaser when applied to an article containing added cane and brown sugar. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the net weight.

On August 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16759. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24066. I. S. No. 021121. S. No. 2255.)**

On August 23, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., from Duluth, Minn., on or about August 21, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 5, 1929, the Rose Cooperative Creamery Co., Rose Corners, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reprocessed so that it comply with the law. The claimant further agreed that the reconditioned product should contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16760. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24060. I. S. No. 021112. S. No. 2222.)**

On August 23, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Strandquist Creamery Co., from Strandquist, Minn., on or about August 8, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 3, 1929, the Minnesota Cooperative Dairies Association, Owatonna, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16761. Adulteration of butter. U. S. v. George Freese's Sons. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 23728. I. S. No. 20716-x.)**

On June 1, 1929, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Freese's Sons, a corporation, Nappanee, Ind., alleging shipment by said defendant, in violation of the food and drugs act, on or about March 10, 1928, from the State of Indiana into the State of Pennsylvania, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

On July 15, 1929, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16762. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24061. I. S. No. 021082. S. No. 2247.)**

On August 27, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure



and condemnation of 7 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Willow River Creamery Co., from Willow River, Minn., on or about August 15, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 3, 1929, the Willow River Creamery Co., Willow River, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16763. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24026. I. S. No. 09298. S. No. 2236.)**

On August 6, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Platte Creamery Products, from Platte, S. Dak., on July 25, 1929, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

On September 10, 1929, the Beatrice Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16764. Misbranding of butter. U. S. v. 5 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23938. I. S. No. 03713. S. No. 2124.)**

On July 19, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cartons, each purporting to contain 32 pounds of butter, at Jersey City, N. J., alleging that the article had been transported by Suchman & McRoberts (Inc.), Jersey City, N. J., from the premises of Kaplan & Levine, New York, N. Y., on or about July 15, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Efco Brand Creamery Butter \* \* \* One Pound \* \* \* Eli Freedman Co. Inc., New York City, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity



of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was incorrect.

On August 16, 1929, Kaplan & Levine, New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the deposit of \$50 cash bond, conditioned in part that the butter be reprinted into full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16765. Misbranding of butter. U. S. v. 120 Prints, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23939. I. S. Nos. 03710, 03711. S. No. 2123.)

On July 19, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 220 prints of butter at Jersey City, N. J., alleging that the article had been transported by Suchman & McRoberts (Inc.), Jersey City, N. J., from the premises of N. Dorman & Co., New York, N. Y., in part on or about July 13, 1929, and in part on or about July 15, 1929, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Delaware Valley Creamery [picture of cow] 8 Oz. Salt."

It was alleged in the libel that the article was misbranded in that the statement on the label, "8 Oz.," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "8 Oz." was incorrect.

On August 16, 1929, Hunter, Walton & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reprinted and packed to comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16766. Adulteration of butter. U. S. v. 37 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23958, 24024. I. S. Nos. 04509, 04511. S. Nos. 2122, 2152.)

On or about July 17, 1929, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 46 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Mabel Creamery Association, from Mabel, Minn., July 9, 1929, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from said article, and in that it contained less than 80 per cent of butterfat.

On August 5 and August 16, 1929, respectively, the Mabel Creamery Association, Mabel, Minn., and the Land O'Lakes Creamery (Inc.), Chicago, Ill., having appeared as claimants for respective portions of the property, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16767. Adulteration and alleged misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24028. I. S. No. 05262. S. No. 2192.)**

On August 3, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers Cooperative Co., from Maddock, N. Dak., July 23, 1929, and transported from the State of North Dakota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that it did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 26, 1929, the Ford-Gustavson Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16768. Adulteration and alleged misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24130. I. S. No. 020933. S. No. 2313.)**

On August 21, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Perry Milk Products Co., from Perry, Iowa, August 9, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 30, 1929, the Perry Milk Products Co., Perry, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16769. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24013. I. S. No. 020826. S. No. 2233.)**

On August 6, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 tubs of butter, remaining in the original tubs at



Chicago, Ill., alleging that the article had been shipped by the A. Barid (Baird) Co., from Lohrville, Iowa, July 27, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On August 27, 1929, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**16770. Adulteration and alleged misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24132. I. S. No. 020599. S. No. 2334.)**

On September 9, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Unity Creamery Co., from Strum, Wis., August 26, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 20, 1929, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**16771. Adulteration and alleged misbranding of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24134. I. S. No. 020833. S. No. 2307.)**

On August 17, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hannibal Creamery Co., Hannibal, Mo., August 5, 1929, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in butterfat had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, and in that it did not comply with the standard established by Congress.



Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 27, 1929, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16772. Adulteration of butter. U. S. v. 67 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23893. I. S. No. 08354. S. No. 2063.)**

On June 14, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 67 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by A. T. Crouch's (the A. T. Crouch) Creamery, from Fort Smith, Ark., in part on April 30, 1929, and in part on May 7, 1929, and transported from the State of Arkansas into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, in that a valuable constituent, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

On July 16, 1929, the A. T. Crouch Creamery, Fort Smith, Ark., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16773. Adulteration of butter. U. S. v. 25 Half Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23959. I. S. No. 010257. S. No. 2121.)**

On or about July 10, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 half tubs and 33 large tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Ernster Bros., from Tipton, Iowa, June 22, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On July 13, 1929, Harry A. Ernster and Raymond J. Ernster, copartners, trading as Ernster Bros., at Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a cash bond in the sum of \$500, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16774. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24139. I. S. No. 021228. S. No. 2264.)**

On August 29, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., from Duluth, Minn., on or about August 21, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1929, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16775. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24146. I. S. No. 021250. S. No. 2304.)**

On September 10, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery (& Produce) Co., Grantsburg, Wis., on or about August 31, 1929, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 18, 1929, the Farmers Cooperative Creamery & Produce Co., Grantsburg, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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